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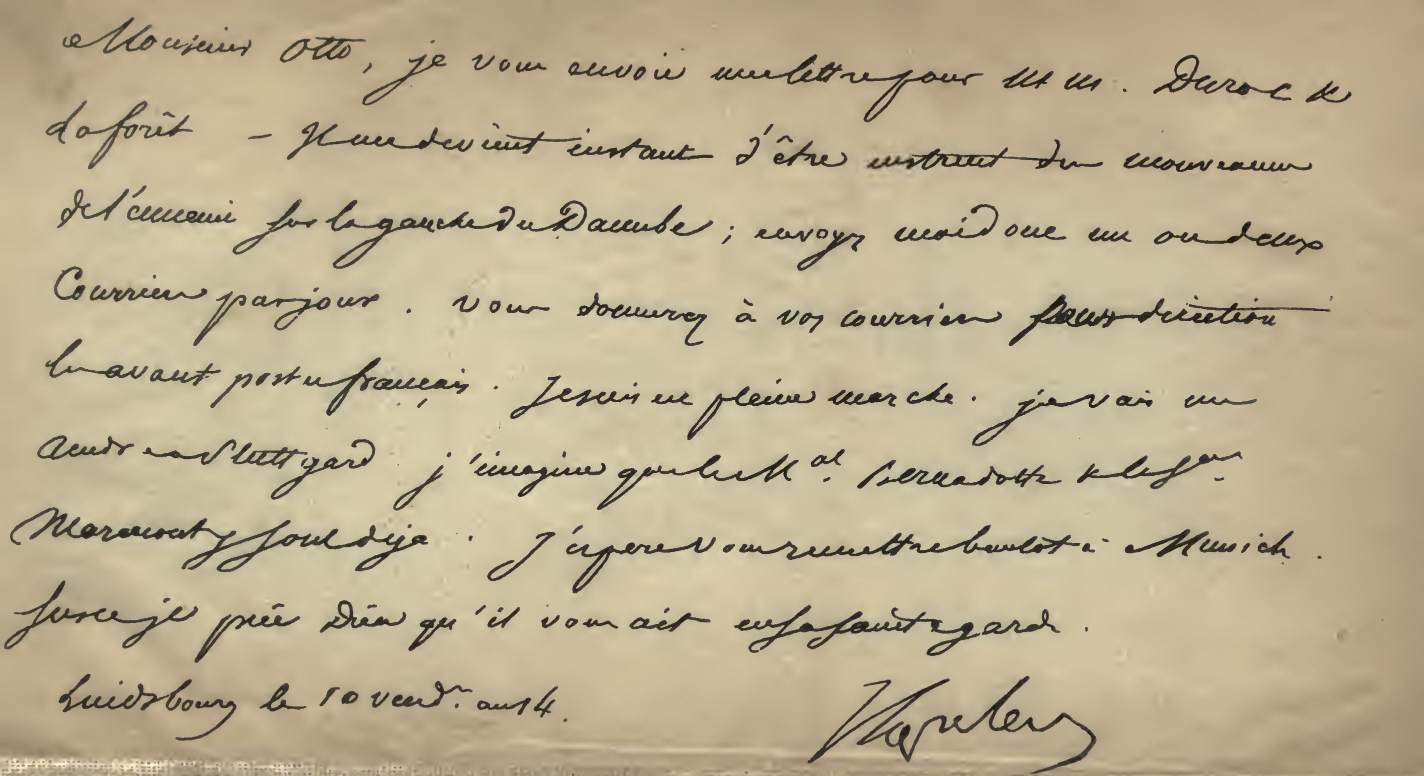

Monsieur Otto, je vous envoie une lettre pour MM. Duroc et
Laforêt — Il me devient instant d'être instruit du mouvement
de l'ennemi sur la gauche du Danube ; envoyez moi donc un ou deux
Courriers par jour. Vous donnerez à vos courriers leur direction
sur les avant postes français. Je suis en pleine marche. je vais me
rendre à Stuttgard. j'imagine que le Mal. Bernadotte et le Gal.
Marmont y sont déjà. J'espère vous rencontrer bientôt à Munich.
Sur ce je prie Dieu qu'il vous ait en sa sainte garde.

Ludwisbourg le 10 vend. an 14.

Napoleon

Hf. B
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. Ype

# NAPOLEON IN COUNCIL,

OR

## THE OPINIONS DELIVERED BY BONAPARTE IN THE COUNCIL OF STATE.

TRANSLATED FROM THE FRENCH OF

BARON PELET (DE LA LOZÈRE,)

MEMBER OF THE CHAMBER OF DEPUTIES,

AND LATE MINISTER OF PUBLIC INSTRUCTION,

BY

CAPTAIN BASIL HALL, R.N.

Royal Astronomical Society.

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## TRANSLATOR'S PREFACE.

I HAVE been induced to bring this work before the English public, from a belief that it contains not only a good deal that is interesting and characteristic, but probably something which is new respecting Napoleon.

From an intimate personal acquaintance with the author, Monsieur Pelet (de la Lozère), I feel thoroughly persuaded that the whole is written in good faith, and that every incident or conversation here recorded, is perfectly authentic.

The subject, it may perhaps be thought, is well nigh worn out; but as there can be no doubt that many parts of it have hitherto been mystified—some by design, and some unintentionally—it occurred to me that a trustworthy statement, coming from a person who has enjoyed peculiar advantages for ascertaining the truth, might still be considered acceptable.

Mons. Pelet's means of obtaining information arose from his having occupied high and confidential situations, first under the Consulate and the Empire, afterwards during the Restoration, and more recently under the present government of France; while his rank in society, his talents, and his habits of business, enabled him to profit by the ample opportunities which a position so advantageous gave him, during these successive political epochs.

Under Napoleon, the author was long a member of the Council of State, and Administrator of the Royal Forests of the Civil List; both of which situations brought him frequently in contact with the head of the Government.

During the Restoration, he enjoyed the title of Councillor of State, and for four years was Prefect of the Loire and Cher, of which department he was elected a deputy in 1827, a seat which he has occupied up to this time.

Since the accession of Louis Philippe to the throne, he has been Vice-President of the Chamber of Deputies, and for some time held the important office of Minister of Public Instruction.

Finally, by his marriage with the daughter of Mons. Otto (who, it may be remembered, negotiated the preliminaries of the Treaty of Amiens, and afterwards filled various high diplomatic situations on the continent,) Mons. Pelet came into the possession of many valuable official documents, several of which, so far as I know, are now for the first time laid before the public.

It may possibly be thought that some of the historical matter, as well as a portion of the less important remarks of Napoleon himself, might, with advantage, have been left out in the translation. But, upon consideration, I have judged it right not to use any such freedom with the author, or with the public; and have therefore suppressed nothing.

In truth, I do not feel sufficiently well acquainted with the details of the history of the times, to enable me to distinguish between those parts of the book which are already known to the English reader, and those which are either new and illustrative of Napoleon's character, or explanatory of his actions.

I owe M. Pelet many thanks for his kindness in furnishing me with notes on those parts of the work which seemed to me more or less obscure. To these additions I have affixed the letter *P*.

As the author has not considered it a part of his duty, in giving this work to the world, to express his own sentiments respecting Napoleon, I shall imitate his reserve, and leave it to every reader to form his own ideas of the extraordinary person of whom it treats, from the opinions and conduct here recorded.

I have been strongly recommended to translate also the very interesting work of Mons. Thibaudeau, entitled " Memoires sur le Consulat," a volume similar in size to this, and partaking very much of the same character, only that it refers to an earlier period, viz. from 1799 to 1804.

But I have declined this task—not from having the slightest reason to question the accuracy of any of M. Thibaudeau's statements—but simply because I happen not to have enjoyed those advantages of personal communication, which led to my undertaking the present translation. The work in question, however, is so very curious and important, that I trust the example I have ventured to set, may soon be followed by some person, more competent to do justice to the subject than I am; and that the " Memoirs of the Consulate,"—which may be considered almost an indispensable companion to

"Napoleon in Council,"—may likewise appear in an English dress.

As it may interest some readers to see a specimen of Napoleon's handwriting, I have given a fac-simile of one of his dispatches to M. Otto, the translation of which appears at page 124 of this Work. Napoleon, it will be observed, merely signs his letter—his ordinary writing being, as Mons. Pelet informs me, nearly illegible.

BASIL HALL.

EDINBURGH,
*27th February* 1837.

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# NAPOLEON IN COUNCIL.

## SKETCH OF THE COUNCIL OF STATE.

We are already in possession of a multitude of writings about Napoleon: but of these by far the greater part are only military narratives of his campaigns, which make us acquainted with him merely in his capacity of a general, while very few of them exhibit him as occupied with the internal government of his country, or engaged in the discussions which such considerations gave rise to.

The minutes of the Council of State, during the period when its sittings were occupied with the Civil Code, have, indeed, been published, and we there find the opinions expressed by Napoleon—but only upon the subject of the Code itself. But the political digressions, in which he frequently indulged, find no place in these minutes; for the learned person to whom we owe these valuable notes, laid down his pen whenever the discussion wandered from the immediate topic in hand, and resumed it only when Napoleon returned to the consideration of the Code.

The St. Helena memorials, it is true, report his conversations on all sorts of subjects; but it must be recollected, that, though still alive, he had virtually become a member of posterity. He exhibited himself, therefore, as it were historically, in the manner he wished to appear in future times; and as it was clearly under this impression that he dictated his memoirs, it is impossible not to distrust the sincerity of his opinions.

There is, I believe, only one writer, a distinguished member of the Council of State,* who has published the opinions of Napoleon as he actually gave them utterance in the Council, at the very moment of action, and while the business to which they related was going on. But that author ceased to be a member of the Council of State in 1803, and could not therefore continue his notes.

My purpose is to continue the work just alluded to, first, by help of memorandums, made up to 1806 by a hand† in which I have perfect confidence, and afterwards by means of those taken by myself.

---

* Mons. Thibaudeau, author of a work called "Mémoires sur le Consulat," published in Paris in 1827, in 1 vol. 8vo. *P.*

† The author's father, Count Pelet de la Lozère, at that time one of the Councillors of State, and now a peer of France. *P.*

*N.B.*—The notes to which the letter *P.* is affixed have been recently furnished to the Translator by the author, Mons. Pelet.

At the enthusiastic age at which I became a member of the Council of State,* I watched with avidity every word Napoleon let fall, and, as I recorded them at the moment, in the expectation of their proving of interest to posterity, I often thought how much we should now give to have such notices of Alexander the Great or of Julius Cæsar! Posterity, indeed, in the case of Bonaparte, has come much sooner than I had expected; and I venture to present it with a document which will aid essentially in estimating the character of one of the most extraordinary men who has ever appeared on earth, and whose catastrophe and melancholy end have placed their seal on what was wonderful in his history.

The observations of Napoleon contained in the first part of this work are reported in connexion with the narrative of the events to which they refer; but those in the second part consist exclusively of discussions which took place in the Council of State, all which will be found classed under the respective heads descriptive of the matters discussed.

It may not be uninteresting, perhaps, before introducing the deliberations of the Council of State to the reader, to lay before him some particulars of the structure of that body—of the part which it played in the administration of affairs—and of the general appearance of its meetings.

---

* The author was then only 19 years of age. *P.*

The Constitution of the year viii. (1800)* in destroying the system of two Chambers, substituted four political bodies in its place, viz.:—The Council of State, the Tribunat, the Legislative body, and the Senate;—and never was the maxim, *divide et impera*, better exemplified.

The duty of the Council of State was to communicate any proposed law to the Legislative body, and there to justify the proposal in the name of the Government.

The office of the Tribunat was to support the popular interests.† The business of the Legislative body was to hear and to decide. Finally, The Senate was required to interpose when the Tribunat declared that the constitution was violated.

There were thus plenty of guarantees, but their weakness was poorly hid by their numbers; and it was too clear that such a frame-work, however efficient for a temporary purpose, could never last. Napoleon, indeed, was not a man to be troubled for any length of time with regulating the motions of such a complicated piece of machinery. The *Tribunat*, accordingly, was soon altogether put down; the Legislative body, restricted more and more to its passive and silent part, witnessed the usurpation, day by day, of its functions by arbitrary decrees; and the Senate became a mere ornamental appendage to the Court—its sole official duty being to register the successive permutations of the imperial constitutions. The Council of State alone preserved its character of a deliberative assembly, and took any real share in the business of the country. It inherited the attributes of its defunct companions; and it alone could give no offence to Napoleon, for, since all its members were nominated and dismissed by him, they acted merely as his council, and their authority had no impulse or direction but in his will and pleasure.

---

* The year viii. commenced on the 22d September 1799. *Trans.*

† The *Tribunat* was that branch of the legislative body which represented the tribunitian, or popular power. It can be translated into English only by the same word, *Tribunat*, in order not to confound it with Tribunal, which is a judicial body. *P.*

Napoleon, however, took the greatest pains in the formation of this Council, as it afforded him the only check on the errors of his ministers; in fact, it formed the only body whose concurrence really lent to his acts the countenance of public opinion. He called to his assistance, accordingly, all the best qualified persons he could find in every department of government, and wherever he could lay his hands upon them. In this manner, Merlin and Portalis were selected to assist in the business of legislation—Fourcroy and Chaptal in science—

Fleurieu in naval affairs, and Gouvion Saint-Cyr in those relating to military matters. Besides these, there were many others whose names are well known to the world.* Having formed his Council, he divided it into sections, to each of which he referred the various projects proposed to him by his ministers to be separately considered. The same matters were afterwards discussed by the assembled Council, and generally in his presence.

The moment a new province was added to the empire, he sought out the cleverest men with whom to enrich his Council. For example, Genoa supplied him with Corvetto, who became afterwards one of the ministers of Louis XVIII. Corsini came from Florence, Saint-Marsan from Turin, and Appélius from Holland. All these were men so remarkable for talents, that, after the downfall of the empire, and their return home, they were appointed to high stations by their own sovereigns, in spite of any prejudices which their having served in France might have created against them.†

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* To the names given above may be added those of the Count Pelet de la Lozère, Count de Ségur, Mons. Daru, Mons. Mounier, of the Assemblée Constituante, &c. &c. The list will be found with its various changes in the Almanach Imperial for the different years of Napoleon's reign. *P.*

† M. Corvetto died shortly after leaving the office of finance minister under Louis XVIII. *P.*

The mere fact of Napoleon in person presiding at the meetings of the Council, gave it great importance. Who is there, indeed, that might not envy the high privilege of listening to the man who held in his hands the destinies of Europe, and who, while he discoursed on the details of government, seemed to turn the wheel of fortune at his pleasure? Who would not have considered it an honour to take a share in those deliberations by which he regulated the public affairs of the country?

The meetings of the Council of State were held at Paris, in the palace itself—or, if Napoleon happened to be at St. Cloud, the members were summoned there. They met at least twice a-week, the interval being employed by the sections in separate deliberation. The *order of the day*, that is, the affairs for discussion, were divided into *lesser* and *greater orders*. Those which were of minor importance might be taken into consideration in the absence of the Emperor—the others were reserved till he was present. The different proposals were always printed and distributed to the members previously to their being considered in Council.

Napoleon sometimes gave notice of his intention to be at the meeting; at other times he entered unexpectedly—the sound of the drum on the Tuilleries' Stairs giving the first intimation of his approach. His chamberlain went before him, while the aid-de-camp on duty followed, and both took their station behind him.

His seat was raised one step above the floor, at the end of the room; and on his right and left sat the princes and other dignitaries.* In front were placed the long tables at which the councillors of State were seated. The Emperor's seat remained always in its place, even when he was absent with the army, and on those occasions the High Chancellor (l'Archi-Chancelier), seated on the right of the vacant chair, presided in his absence.

Business proceeded but slowly when Napoleon presided—for he sometimes sunk into a profound reverie, during which the discussion of course languished—and at other times he wandered far from the subject. These political digressions, however, were full of interest, as they often betrayed the internal state of his mind, or let out the secret of his intended projects; but as many instances of these curious digressions will be found in the following pages, I shall cite only two at this moment.

After the unfortunate affair of Baylen,† he came to the Council with a decree in his hands for regulating the manner in which an officer in command of an army might be brought to trial. Before speaking of the decree itself, he adverted to the event which had given rise to it, and could scarcely restrain the emotion which it caused in him. It was the first time, indeed, that victory had abandoned his colours, and that his eagles had been humiliated, so that the *prestige* was destroyed. He gave way, accordingly, to such an extent, that the tears might be seen in his eyes. After dwelling on the resources which General Dupont might have called to his aid at the desperate moment alluded to, he exclaimed, "Yes, the elder *Horace*, in Corneille's play, is right, when being asked what his flying son could have done, he says, '*He might have died*,' or, he adds, '*He might have called in a noble despair to his rescue*.'" "Little," continued Napoleon, "do they know of human nature who find fault with Corneille, and pretend that he has weakened the effect of the first exclamation by that which follows."

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* His seat was a common mahogany chair, such as is called an office-chair (fauteuil de bureau), with green morocco seat and arms. *P.*

† This alludes to the surrender of General Dupont and his army to the Spanish Patriots in 1808.—*Trans.*

How curious! to hear Napoleon commenting on Corneille!*

On another occasion, at St. Cloud, at the first meeting which took place after the Emperor's return from Leipsic, he observed Marshal Gouvion in his place, and spoke to him of the battle of Hanau.

---

* The following is the passage alluded to in Corneille's play,—

"*Julie.* Que vouliez-vous qu'il fît contre trois?

*Le vieil Horace.* Qu'il mourût, Ou qu'un beau désespoir alors le secourût." HORACE, ACT. III. SCENE VI.—*Trans.*

"If the defection of the Bavarians," said he, "or their insolent attempt to stop the way, could have been anticipated, a few regiments would have been enough to have brought them to their senses, and I should have crushed them as I passed." It was as if the wounded lion took pride, even when running off, in trampling on his enemy!

The sittings of the Council, to whatever length they might be spun out by these digressions of the Emperor, never seemed to be too long for him. He kept us often at Saint Cloud from nine in the morning till five in the evening, with only a quarter of an hour's adjournment, during which he stepped into his own room, while we repaired to the great gallery, where refreshments were prepared. Whatever others might feel, he never appeared to be more fatigued at the end than at the beginning of the meeting. It was the business of the High Chancellor to give notice when it was too late to continue longer in session; and Napoleon amused himself at times by pretending that the notifications to break up were premature.

The princes of his own family who happened to be at Paris, as well as any royal personages from other countries who might be there on a visit, came to these meetings. Both the Prince of Baden and the Prince (now the king) of Bavaria attended them for a long time, as if they had been sent expressly to learn from this great man how to govern their countries. But woe betide the unlucky person who arrived after the business was begun! The key was turned, and no one, prince or subject, could gain admission without the Emperor's express permission.

The discussions which took place respecting the various decrees proposed for the consideration of the Council were invariably preceded by a report, explanatory of its objects; for Napoleon always required the decree to be read before the report, asserting that such was the mathematical order of things, which required the enunciation of a proposition before the demonstration.

Whoever wished to speak had only to say so; and Napoleon often urged those persons to speak whose opinions he desired to learn. The style of address was simple, and without flourish; for the eloquence of the Tribune would have been considered quite ridiculous in the Council. A new member, who had gained a certain degree of reputation as a public speaker, wished to set out with the oratorical manner he had found succeed in public assemblies; but he soon discovered that he was only laughed at in the Council, and speedily lowered his tone. There was no method in that place of concealing the want of ideas under the profusion of words: what was required was substantial matter, and a mind stored with facts. Not only was every description of knowledge represented in the Council of State, but every different epoch. Napoleon's principle, indeed, in its formation, was not merely to draw into it men possessed of all kinds of information, but persons of all different shades of politics. In this spirit he called to his assistance not only those who had most distinguished themselves in the preceding assemblies, but he recalled those who, though not hostile to the revolution, had been expatriated by its early political storms, such as Malouet, Mounier, Ségur, and others. In this way the Council exhibited all the different parties of the state, fused, as it were, into one mass.

When Chénier, accordingly, at the head of a commission from the Institute, read to the Emperor a report on the decennial prizes,* and took occasion to mention the names of many distinguished persons belonging to different parties, who had been swallowed up by the revolution,—the Baillys, the Lavoisiers, the Vergniauds, and the Gensonnés, he said, with perfect truth, that if they had out-lived the hurricane, they would now have filled the seats round the Emperor, and laboured with him to reconstruct the shattered fabric of society. Chénier, himself, pale and trembling, and deeply marked with the traces of the passions by which he had been shaken, presented a living monument of those stormy times which he had survived not without the greatest difficulty. There was something not a little dramatic, and even touching, in the old man's appeal to the shades of those men, many of whom had taken different lines from himself, but whom he would have ranged as supporters of the new throne, which had arisen out of their discords.

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* These *prix décennaux* refer to high rewards which, by a decree of Napoleon, were to be distributed every ten years to the authors of the most remarkable works which had appeared in the interval, in the respective branches of human knowledge, such as history, general literature, and the sciences. His object was to divert mens minds from the study of politics; but the scheme came to nothing. *P.*

The most laborious periods of the Council of State were during the Consulate, and during the first years of the empire. Then were framed the codes—the laws—the decrees, and the regulations, which constituted the new administration of the country, and under which we still live. Napoleon, when first consul, presided sometimes at the meetings of the Sections from ten o'clock in the evening till five in the morning.* He then took a bath, after which he was soon ready to recommence work. In speaking of this practice, he said, "One hour in the bath, is worth four hours of sleep to me."

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* The Council of State was divided into various sections or committees. One for the navy, another for the army—for the finances—for public justice—for home affairs, and so on. Each section was composed of those members who were supposed to be the best versed in the matters to which the drafts of the proposed

This restless activity which he exhibited in his own person, he exacted from all those whom he called to his aid. As he complained not unfrequently that the Council did not advance rapidly enough with business, it was incumbent upon every one to show that he was not behind hand with his task. When a report was to be drawn up, it was ordered for next day; or if one of his council was charged with the duty of proposing a law to the Legislative body, he had often not a couple of hours to prepare the whole matter, besides getting his speech ready!

Such scrimp time, however, was quite enough for Napoleon himself, for he dictated with such rapidity that there generally remained several pages of matter to be written after he had done speaking; and yet, on the revision, it was rare to discover any thing requiring to be altered.

Both before and after these meetings of the Council of State, Napoleon frequently presided at other councils, where, in concert with certain professional

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decrees submitted to their consideration related. The subjects were first discussed before these committees respectively, and afterwards reconsidered by all the committees assembled together. The home department section (la section de l'interieur) prepared all the propositions relating to domestic affairs, such as the police, and various other provincial matters. *P.*

men, (hommes spéciaux) the details of each department of the administration, such as that of the Public Works, the War Office, and so on, his mind passing with wonderful facility from one topic to another. Thus, we know, that on the eve of the battle of Austerlitz he assembled his generals at six o'clock in the afternoon, to give his orders for the next day's fight, and immediately afterwards proceeded to consider the organization of the establishment at Saint Denis, which done, he recurred to the preparations for the battle.*

It is needless to give in detail the functions of the Council of State, as the enumeration would be tedious. It may suffice to mention, that they embraced every thing relating to the interior legislation of the country. And here it is only fair to the Council to remark, that, if Napoleon's faults referred chiefly to his foreign politics, and that his internal administration, generally speaking, was not only judicious, but, taken along with his codes, formed the most creditable and the most lasting portion of his reign, it must be admitted that a considerable portion of this merit belongs to the Council of State; and, accordingly, that body, which formed the only remaining guarantee in the country against an unlimited despotism, has deserved well of France. A writer, of high authority on every thing relating to this body, renders it justice in these words :—

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* This great institution at Saint Denis still exists, as it was established by Napoleon; it is an extensive boarding school, (pensionnat ou maison d'education,) where a certain number of young women, daughters of members of the Legion of Honour, are brought up. *P.*

"How often has not the Council done good service to the people in tempering the fiery bursts of their chief by the wisdom and calmness of their deliberations? What can be imagined more impressive, or, in fact, more eloquent, than those long intervals of profound silence which occurred from time to time in the Council? And how often did not honourable and truly public spirited members boldly advocate the cause of virtue and freedom, even in the presence of the monarch himself, and amidst the servile murmurs of less generous spirits."*

I shall now say a word or two respecting that portion of the following work which relates to matters not belonging strictly to the Council of State. In it I give an account of some events which I have either witnessed myself, or of which I have learned the particulars from persons worthy of confidence. I have referred also to important negotiations, communicated to me by the person himself who acted the principal part in them.† And I should have been enabled to have given many documents in explanation of the events alluded to, had not all M. Otto's papers, except a few fragments, been destroyed by the foreign troops who plundered his country house in 1814. It is indeed much to be regretted that a man of Mons. Otto's high principles, and who acted so honourably as a representative of France, should not have found leisure, before he died, to have written his memoirs, for in them political events would have been stated in the straight forward language of truth and virtue.

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* Cormenin. Du Conseil d'État. p. 33.

† This was Mons. Otto, who negotiated and signed the preliminaries of the peace of Amiens. He died at Paris in 1817. The author of this work married M. Otto's daughter in 1812. *P.*

It may be asked, "What impression will be produced on the reader's mind by the documents I here lay before him? What opinion will be formed of Napoleon and his system of administration by the observations made by him in the Council of State?" The reply is, that unquestionably the same opinion which the public have already formed will be thereby confirmed. They will recognise in Napoleon's character a mixture of impetuosity and trickery, half French half Italian, but in which impetuosity predominated; while it was modified by such a decided bearing towards absolute power, that it could not fail, on the one hand, to deaden all the internal energies of his country, and, on the other, eventually to rouse foreign nations into resistance.

At the period when Napoleon came to the possession of power, he found himself placed in the most favourable circumstances possible to establish the union of freedom with the monarchical authority. France, in fact, dreaded nothing so much as anarchy, and would have been contented with a very reasonable allowance of freedom. But, unfortunately, that is always the predicament in which despotism is the most tempted to establish itself. Napoleon, accordingly, did establish a despotism; and, in the dread of having to combat republican tendencies at home, he carried abroad all the active spirits of the nation, and precipitated himself into a series of wars and conquests, which could have no other end but a fatal catastrophe. Even he himself was possessed with the notion that he could found nothing permanent. In full council he exclaimed one day:—

"All this will last as long as I hold out, but when I am gone, my son may call himself a lucky fellow if he has a couple of thousands a-year!"

Fortune, however, did not choose that the system should exist so long as himself, for, unlike Alexander and Cæsar, he outlived his power and his conquests. He lived to see France torn by internal dissensions which had been checked by his appearance, but which burst forth the moment he was off the field, and with all the more violence in consequence of his having—to serve his own ends—fomented the passions upon which turbulence is fed.

He stimulated the ambition of every class of the community, by the distribution of an immense number of employments, promotions, and honorary distinctions, and thus set agoing an immoderate love of excitement, with a feverish desire of change, and he kept up these propensities by the daily exhibition of kings dethroned and dynasties overturned. Finally, he rendered the task of his successors an exceedingly difficult one for a long time to come. For a nation familiarised with wars and conquests cannot readily subside into peaceful habits. She recalls only the glory, and takes no count of its cost; she feels, as it were, humiliated, from ceasing to humiliate others, and her restless energies finding no employment abroad, naturally seek for vent in domestic commotions.

Napoleon, looking down from the vast height which he had reached, thought the rest of mankind smaller than they really were; and this was the cause of his downfall. He raised up against himself, by the mere abuse of power, not only sovereigns and whole populations, but even his own country, in which he had nurtured the most dangerous enemies.

It is not a little strange, that while conquerors will go every length for glory, and do any thing to gain the public applause, there should lie a thorough contempt of mankind at the bottom of their hearts. It may happen that too good an opinion of the world will prove occasionally fatal to the head of a government, while too low an opinion may become equally destructive to his authority.

The true glory of Napoleon consists in his having suppressed anarchy, in having rallied round him all parties in the state, in having organized such a powerful administration, that France, during fifteen years, submitted to the guidance of his powerful hand, as if the whole nation had been but one man; in giving his country a code of civil laws more perfect than any which it had possessed before; and in being laborious, indefatigable, and unceasingly occupied with the cares of government.

What might not Napoleon have effected, with all these great qualities, had he employed them for the purpose of governing France in peace, and in studying to bestow upon her a constitution and a state of manners calculated to prevent the recurrence of fresh political tempests!

# PART FIRST.

## CHAPTER I.

### NAPOLEON'S ORIGIN—EXPEDITION TO EGYPT—EVENTS UP TO THE PEACE OF AMIENS.

The Bonaparte family belonged originally to Florence, but they retired from that city during its commotions, to Sarzane, in the republic of Genoa. One of the branches passed over to Corsica, which belonged to Genoa, and established itself at Ajaccio. From this branch sprung Napoleon. His father was a gentleman who lived on his own property, which might yield him from £50 to £80 a-year, and of which he made the most.

The Bonapartes were the only persons amongst the gentry of Ajaccio who, in 1789, declared for the French Revolution. Joseph was named administrator of the department, while his brother Napoleon left the artillery school and became a captain in the National Guard.

In a little while, however, the patriotic party in Corsica was put down, when the Bonaparte family were obliged to quit the country and retire to Provence. It was there that General Cervoni, who was also a Corsican born, met the young Napoleon and carried him, rather against his will, to the siege of Toulon, where he introduced him to Gasparin, one of the representatives of the people, as a well-educated officer. The young man was accordingly entrusted with the command of several batteries during the siege; and the ability and activity which he displayed on that occasion gave the first impulse to his reputation. Being at Paris a couple of years afterwards, at the period of the 13th Vendémiaire (3d October 1795), the Convention, recollecting the manner in which he had served the artillery at Toulon, gave him the command of the guns employed in their defence. On this occasion, too, he displayed no less skill and determination than he had done in the first instance.

From that moment his fortunes advanced rapidly; and in the year following (28th March 1796) he became commander-in-chief of the army of Italy, and won for himself a renown which will never die. The peace of Campo Formio (17th October 1797) was the result of his victories, and the government as well as the nation received him on his return with every show of gratitude and admiration;—but these empty honours were all that he obtained. In after times, in the plenitude of his power, he often complained of the Directory having left him in poverty after having rendered them such services. They ought, he said, to have given him an estate. But this very regret would seem to show that the Directory had acted wisely—for it is not improbable that the ambition of the young conqueror of Italy might have slumbered in the midst of riches.

The Directory had recourse to a less certain and more costly method of warding off the dangers of the ambition which threatened them. They conceived the notion of the Egyptian expedition—or rather they disinterred it from the archives of the Foreign Office, where it had long been entombed.

This project, in fact, was not new, for it had been discussed several years before the Revolution commenced. The victories of Katherine II. over the Turks had advanced her frontiers so close to Constantinople, that the cabinet of Versailles could not but take alarm. No one dreamed of saving the Ottoman Empire from the ruin which seemed inevitable—and the only thought was how some portion of the spoil might be appropriated, and thus the idea of occupying Egypt was started. Monsieur de Sartine, minister of the Marine, gravely proposed the measure.

"It is the sole means," said he, "of preserving our commerce in the Levant. Egypt, duly civilized, will become an excellent colony for France, and will make up to us for the loss of all the others. Being then masters of the Red Sea, we can attack the English in India, or we may establish in those regions a rival commerce.—No doubt, England and Russia will be averse to our occupying Egypt; but Austria will go along with us, if we promise her a slice of Turkey in Europe,—and Spain being our natural ally in a naval war, will join her fleet to ours. Once landed in Egypt, the country is won."

The celebrated Baron de Tott, who visited the countries alluded to, apparently with no other intention but to make astronomical observations for the Academy of Sciences, as well as researches in natural history, was instructed to reconnoitre the coasts of Egypt, Syria, and Greece, as well as the islands of the Archipelago, and, above all, the island of Candia, the possession of which was considered an indispensable preliminary to the occupation of Egypt. He was also instructed to ascertain whether or not that part of the coast between Alexandria and Aboukir would be the best place for landing troops, and, to assist him in these surveys, an officer of the navy was attached to the Baron's suite.

Another officer was directed to proceed to Suez, and down the Red Sea, to examine all the coasts, and to reconnoitre the island of Mehun at the entrance, which, it was thought, it might be useful to take possession of. This officer, in passing through Cairo, made a plan of the city and castle.

The old chronicles were also examined in order to discover what had caused the failure of the expedition of St. Louis in those parts, and it was fondly imagined that Egypt, under the Mamelukes, would be found less formidable than it had been under the Saracens.

Many years elapsed without this question being further agitated. In the year 1781, however, Count Saint-Priest, the French ambassador at Constantinople, wrote urgently to recommend its adoption.

"The Russians" said he, "have fifteen frigates and two line-of-battle ships at Kerson, and as many at Tangarock. These forces have only to show themselves off Constantinople in order to bring about a revolution. Their appearance would be a signal for the insurrection of Greece. The Turks would be driven from Europe before any one could come near to succour them. It is the business of France not to be taken by surprise in the event of such an important movement. She ought to take possession of Egypt without a moment's loss of time. The conquest of that country will be the easiest thing possible—for it is defended by no more than five or six hundred

Mamelukes who never saw a shot fired in anger, and who have not a single cannon."

The French government, stimulated by these considerations, resolved upon the enterprise. Twenty thousand men were to be embarked in the month of July, and these sailing from different ports, were to rendezvous at the port of Paleo Castro, at the east end of the island of Candia. It was proposed to steer from thence to Alexandria and Damietta, at the two mouths of the Nile. Aboukir and Rosetta were then to be taken possession of, and the assistance of numerous Christians was reckoned upon, who were scattered between Cairo and Upper Egypt—and who governed the country of the Beys by carrying on the whole of its commerce.

The events connected with the American war prevented the expedition from sailing—and those of the French Revolution which succeeded, were still less favourable to the project. So that it was left to the Directory to resume the intention, and to Napoleon to put it in execution. Egypt accordingly was seized upon, but the French fleet being destroyed, the army were compelled eventually to evacuate the country. Bonaparte, however, who was vastly more occupied with France than with Egypt, did not wait long there; but, perceiving that every thing at home was ripe for a revolution, put himself on board a frigate, landed at Fréjus, and, in three weeks afterwards, overturned the feeble government of the Directory. He then seized the sovereign power under the title of First Consul—on the same day in which Washington ended his glorious life as a simple citizen.*

In a moment every thing both at home and abroad changed its aspect. Condensed and vigorous authorities took the place of the old prefects in the departments, and similar alterations were made in every degree of the hierarchy. The roads which heretofore had been infested with robbers and cut-throats might now be travelled with safety. Our troops, beaten and discouraged, retraced the road to victory, and the name of Marengo was placed side by side with Rivoli and Arcola. A fresh peace with Austria was signed at Lunéville, and likewise with Naples, Bavaria, and Portugal. A treaty of Alliance was also signed with Holland, the United States, and Spain. So that the long hoped for general peace appeared to be at hand.

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* Washington died on the 14th December 1799. Napoleon overturned the Directory on the 18th Brumaire of the year VIII, that is, on the 9th November 1799, and was made First Consul by Sièyes and the other conspirators in the middle of December, but he was not proclaimed as such till the 24th December. *Trans.*

# CHAPTER II.

## THE PEACE OF AMIENS.

France was now at war with England alone; and the First Consul, while he made preparations for invading that country, was desirous of peace, for which the commercial part of the community loudly clamoured, since this alone, it was thought, could furnish the means of consolidating the new government at home and abroad.

Very shortly, therefore, after his accession, Napoleon looked about for some one to send to London to pave the way for these negotiations. Sièyes pointed out M. Otto, whom he had left as chargé d'affaires at Berlin, and who, by his intimate acquaintance with the language and manners of the English, as well as his conciliatory disposition, was eminently fitted for the task. The difficulty was in what character to send him over. But in the end it was decided to dispatch him as agent for the prisoners of war, an office already held by a Frenchman in London, whom M. Otto superseded accordingly. The following instructions clearly point out the object of his mission:—

"The appointment of citizen Otto will produce a great effect in Europe. The office which he relinquishes, his long established reputation, and the critical state of affairs, will naturally give to this step the appearance of an advance on the part of the French government. It is so, in fact;—but the public must be left to draw this inference.

"M. Otto, therefore, will take care, on his arrival, to introduce himself simply as an agent of the French admiralty for the affairs of the prisoners. With respect to the diplomatic part of his mission, he will carefully watch the impression produced by his being chosen for such a service. If the effect be vague and undecided, he must not let it be seen that he has observed any thing of the kind; but if the effect be obvious, he must meet the feeling half way. Finally, when any thing coming from the English minister shall seem to bear the character of an advance analogous to that with which M. Otto is charged, he may cease to act the part of a passive observer."

The negotiator, starting from Berlin, sought in vain along the coasts of Holland for a vessel to carry him to England, so completely had all intercourse ceased between the two countries, and he was obliged to go as far as Calais before he was enabled to cross the Channel.

Had Mons. Otto restricted himself to the passive part which he was instructed to play, nothing would have come out of the mission, for, as the English ministers were shy of having any thing to do with peace, the parties might have mutually waited long enough for each other to advance, and nothing been done. But the negotiator not only made acquaintance with other persons who were really desirous of peace, but he took care to fall in with the ministers themselves at their country houses, where also he met the Prince of Wales, afterwards George IV. On these occasions he lost no opportunity of encouraging the members of the opposition to persevere in their pacific exertions, and with so much success, that, at the end of six months, he felt that he might produce his credentials, and open direct negotiations. Several times, however, these proceedings were broken off. The First Consul, provoked beyond endurance with the attacks of the English newspapers, ordered Mons. Otto to return. The judicious diplomatist, however, was in no hurry to leave England, and succeeded in soothing his irritated master. He distinctly foresaw, from the turn which the debates had taken in Parliament, that a change in the cabinet was at hand, and that ministers more favourable to making peace would succeed. Such a ministry, accordingly, came into power; and shortly afterwards the preliminaries were signed.

The wildest joy possessed both countries on this occasion; and no one doubted that a definitive treaty would be the result. The messengers who carried the dispatches were adorned with ribbons, and wherever they passed fêtes and illuminations marked their course. Every demonstration of public gratitude was heaped on the fortunate negotiator. His portrait was exhibited in the shop windows, and the ballad singers recited his praises in the streets. Generald Lauriston, aide-de-camp of Napoleon, who was sent to England with the ratified treaty, was received with great rejoicings; the horses were taken from his carriage, and he was drawn amidst acclamations to his house.

The negotiatons for the definitive treaty were carried on at Amiens, a city which was situated conveniently for the different countries which took a part in the discussions. Spain and Holland appeared there as allies of France. The First Consul named his brother Joseph to represent him; and he carried on an active correspondence with the negotiator of the preliminaries, M. Otto, which contributed greatly to smooth the difficulties; and on the 27th of March, 1802, the treaty of peace was signed.

This was the signal for fresh rejoicings, for it seemed as if Europe had at length obtained that solid and general pacification which had been heretofore looked upon as a dream which could not be realised. The gates of the Temple of Janus were shut, the nations were finally allowed time to breathe, and Napoleon being hailed with the double title of victor and peace-maker, his measure of glory seemed complete.

But the happiest persons by far were thirty thousand poor French prisoners in England, who groaned in captivity on board the hulks. Of these four thousand had been sent over without exchange, as soon as the preliminaries were signed. The remainder first learned the news of their deliverance from him who had contributed so much to bring about their release, and who, in the painful interval of suspense, had exerted himself to ameliorate their condition. For it happened that the most disagreeable discussions arose between the two nations as to which should pay for the support of the prisoners in question. The French government had refused to send over any funds for the maintenance of their countrymen in England, upon the plea that each country ought to support the prisoners it had captured, and that the balance might be settled at the peace. The English government, however, objected to making such enormous advances, at the cost of the country, as this proposal implied. In the meanwhile, the wretched French prisoners might have been left without the first necessaries of life, had not their natural protector, M. Otto, constantly taken care to see them supplied.* We may imagine, therefore, how happy was the hour to both parties when he carried to these captives the news of their being free! They returned at length to their families and to their country; and to them, at least, this ricketty peace proved a solid benefit.

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* It is not to be supposed that M. Otto supported the prisoners from his own purse; what he did was to induce the English government, as well as the individual contractors, to make the necessary advances to these unfortunate people. *P.*

I have tried in vain to discover the relative number of French and English prisoners at the period of the treaty of Amiens. The following is an extract from the answer made to a letter I wrote to a highly informed friend long connected with the government of this country. After stating the failure of his efforts to ascertain the numbers I had asked for, he says:—"You will observe that the number of prisoners of war is a kind of state secret, and sometimes it may be a most important one. It would not, therefore, be made the subject of common official correspondence, and is, therefore, not to be found in the current indexes at the Admiralty. On the abolition of the Transport Board, all their papers were deposited in the store-houses at Deptford, where, no doubt, the information required lies buried under the Pelion and Ossa of the correspondence of the subsequent quarter of a century; but it would be in vain to ask for a search there. I know, however, that, in 1810, the round numbers were 10,000 English (including detenus) in France; 50,000 French in England." *Trans.*

# CHAPTER III.

## RUPTURE OF THE PEACE OF AMIENS.

It was expected in London that the person who had arranged the preliminaries would have remained after the peace was concluded, as the representative of France, in order to keep up those friendly relations which he had been so instrumental in establishing. Napoleon, however, willed it otherwise, and sent M. Andréossy, one of his generals, to England, while M. Otto was dispatched on another mission.* But no sooner had he quitted England than, in spite of the distinguished abilities of his successor, the good understanding between the two countries was broken up.

It is true Napoleon gave England more than one cause of complaint; of these the principal one was the annexation of Piedmont. Violent denunciations against this measure were made in the British Parliament by the members of the former administration and their adherents, who accused the ministry who had concluded the peace of having betrayed the interests of the nation. They found fault with Napoleon not only for the occupation of Piedmont, but for his refusal to remove the sequestration imposed upon British property, and his decree for raising three hundred thousand men. Above all, the English took exception to his forbidding Holland, Switzerland, Spain, Portugal, and Italy, to admit English goods into their countries. This attack on the commerce of England exasperated the nation, and totally changed the dispositions of the people towards France. They were not less provoked at the hostile intentions which Napoleon showed as to Egypt and India in the mission of General Sebastiani. The report of this officer, which appeared in the Moniteur, astonished France quite as much as England. Its publication was either an act of the highest imprudence, or it was intended as a provocative; and as no one imagined that Bonaparte did any thing without a motive, the inference was obvious.

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* Mons. Otto was named minister plenipotentiary to the United States; but having declined that appointment, he was sent, sometime afterwards, as minister from France to Bavaria. *P.*

On his side he complained that the English government had failed to fulfil that article of the treaty which required them to evacuate Malta, and to give it over to the Knights. He found still greater fault with the manner in which he was abused in the English papers and in Parliament, declaring that the peace had brought about no change in the language of either. And he went so far as to declare publicly to the English ambassador, that if these attacks were not put a stop to, he would cross the Channel with four hundred thousand men, and demand satisfaction at the point of the bayonet ![*]

When the English government were called upon to give up Malta, they not only refused the demand, but declared their intention of retaining it in pledge till the French government should give a full guarantee for the independence of Egypt, and had redressed the various grievances of which England complained. They also required that the naval armament brought together on the coasts of France before the peace, with the view of making a descent upon England, should be laid up or dispersed, in order to do away with the necessity of keeping up a correspondent force on the opposite side of the Channel. They further desired, that the French troops should retire from Holland, and leave that country, as had been agreed upon, free to regulate her own government and commerce, that a similar freedom should be allowed in the case of Switzerland and the Italian States, and, finally, that France should relinquish all those territories which had been annexed to France since the peace.

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[*] I have the testimony of a person who was present for these observations of Napoleon's; but neither they nor the English ambassador's reply were ever published. *P.*

There was no denying that these reclamations were well grounded; but how could Napoleon recede from his system of aggrandisement and conquest, or give back provinces which he had declared repeatedly must form integral parts of France? Accordingly, he refused to comply with these demands, upon which the English ambassador requested his passports, and left the country.

A few days afterwards it was known that all French merchant ships which, on the faith of the subsisting treaties, were sailing about, were stopped by the English vessels of war. Napoleon, on his side, detained all the English who happened to be travelling on the Continent; and the war recommenced with greater fury than ever, after thirteen months of a peace which had caused such a burst of joy on both sides of the Channel.

## CHAPTER IV.

### PROPOSED INVASION OF ENGLAND.

Napoleon now resumed his intention of invading England; or, at all events, his demonstrations,—for it is still a question whether or not he ever seriously meditated this enterprise. He gave directions for publishing accounts of all the past invasions of a similar nature—not forgetting those of Julius Cæsar and William the Conqueror, whose success appeared to furnish an example for imitation. And as flat-bottomed boats and pinnaces were constructed every where—even in the wood-yards of Paris—the harbours of the Channel were soon crowded with vessels of all sizes and sorts. In a short space of time there were brought together in the ports of Boulogne, Étaples, Vimereaux, and Ambleteuse, two hundred and fifty sloops, each armed with three guns, six hundred and fifty gunboats or pinnaces with one gun each, and a great number of praams carrying six guns a-piece. There were, moreover, assembled in these ports seven or eight hundred transports laden with artillery and other stores. It was reckoned that two thousand other vessels would be got together, and about forty thousand troops embarked at these points, while other twenty thousand were to start from Ostend, and as many more from Holland. These eighty thousand men, it was asserted, if once landed in England, would be sufficient to conquer the country and establish themselves in the first instance, while the army of Brest formed the reserve.*

At Boulogne, especially, the greatest efforts were made. In the department of the Marine alone there were expended upwards of a hundred thousand pounds sterling a-month, without taking the wages of the people into account. The soldiers employed in the works received the high pay of from a shilling to eighteenpence a-day. A mass of artillery, twice as great as was required to equip the flotilla, was collected together, and new forts constructed on every accessible point of the coast impeded the attempts of the English to land; and though these batteries were washed away more than once by the violence of the waves, they were instantly built up again. In a similar view, a line of gun-boats moored in front of the anchorage prevented the enemy from coming near enough to crack shells over the town. And thus protected, the flotilla left the inner harbour every day to manœvre for execrise in the outer roads; and it happened occasionally that the strength of the gales or the violence of the sea expended some men, and now and then a few ships. At a couple of miles, or so, beyond the anchorage, cruized the English squadron, consisting sometimes of only fifteen, sometimes of thirty sail; between which and the coast of England a constant communication was kept up by small vessels—a few hours being sufficient for the passage across and back again.

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* By the official details given in Mr. Alison's History, vol. v. p. 306, it appears that at least 155,000 men were assembled for the invasion of England! *Trans.*

It has often been asked how a flotilla, consisting of such a multitude of small vessels, could, by possibility, get past the English fleet without being knocked to pieces? And this difficulty became all the greater when it was considered that several successive tides, and, consequently, different days, were required to get the whole to sea, and, consequently, that they would be attacked and demolished piecemeal before they could form into line. It was, however, hoped that, by exercising the flotilla sufficiently in the outer roads, they might acquire the habit of getting quickly together,—and as it was farther supposed possible that they might be favoured with dark nights and calm weather, they might slip past and reach the shallow parts of the

English coast without being impeded, and then the large ships could not attack them for want of water to come near enough.*

To these encouraging speculations was added the assurance that the Rochfort and Toulon fleets, starting ostensibly for India, and having drawn off the English ships, would suddenly double upon them, and return to the Channel to cover our passage across. The more wonderful these wild combinations really were, the more they pleased the fancy and raised the spirits of the troops—who readily believed that the grand secret of this invasion was found out by their chief, to whose genius nothing, they firmly believed, was impossible. So that every individual soldier indulged himself confidently in anticipated glory and fortune!

In the meantime, some small experiments were made, the result of which was by no means flattering. A flotilla of six and thirty sail, which proceeded from Havre to join the main force at Boulogne, perished by the way, and another which set sail with a similar intention from Dunkirk fell in with the English and lost many of their number.

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* It is but fair to the author to suppose that such reasonings as these are not his, but were put forth by Bonaparte to amuse and encourage his troops—his *sailors* could hardly have been taken in by them. In England, almost every body knows so much of naval matters, that it is needless to reply professionally to such idle fancies as the above. *Trans.*

Nevertheless, these accidents caused no despondency, and every thing was speedily got ready at Boulogne. The fleet was divided into eight squadrons, each consisting of eighty vessels, carrying eight thousand soldiers. These belonged to the camp at St. Omer and Montreuil, the division of Italy, one division of grenadiers, and two of cavalry. The Bruges army were directed to embark at Ambleteuse in the Batavian squadron. Every one at Boulogne believed the fatal moment to have arrived—all knew the danger—but none dreamed of flinching, for there is nothing which military honour and confidence in their leader will not induce an army to undertake.

All at once the sound of war was heard in the East. Austria, it appeared, had raised her standard anew. M. Otto, the minister at Munich, the diplomatist who had negociated the preliminaries of the peace of Amiens, communicated the intelligence that the Austrians had crossed the Inn and entered Bavaria. This intelligence reached Boulogne on the 26th of August 1805. On that very day all the troops were landed—and, on the morning after, they were in full march for the Rhine !*

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* An exceedingly interesting account of the whole equipment, and the various movements of the forces assembled for the invasion of England, and of the different projects formed by Napoleon for this gigantic purpose, will be found in Chapter XXXIX. (vol. v.

Austria, in fact, urged by England, had entered into a new coalition to which Russia and Sweden were also parties. This coalition, perhaps, saved England from the peril to which the bold genius of Napoleon might have exposed her—but it likewise extricated him from the danger of attempting, as well as the shame of relinquishing, his formidable enterprise.

p. 307.) of Mr. Alison's History of Europe. This able work, which contains one of the most comprehensive and best arranged accounts of which we are in possession, relative to the French Revolution, the rise of Napoleon, and the other important events which have agitated Europe for the last half century, may be safely consulted for minute information on all those points of history which, in this volume, are merely touched upon, or but slightly sketched, for the sole purpose of illustrating the character of Bonaparte. *Trans.*

## CHAPTER V.

### COMMENCEMENT OF THE PROCEEDINGS AGAINST MOREAU—DEATH OF THE DUKE D'ENGHIEN.

The recommencement of hostilities between France and England, after the rupture of the peace of Amiens, revived the hopes of the enemies of the First Consul in both countries. It was presently known that Georges, Pichegru, and other partisans of the royal cause had landed secretly on the coast and reached Paris, where they had interviews with Moreau. This general was accordingly arrested. Ever since the accession of Napoleon to power, Moreau had kept himself out of sight, and assumed the part of a discontented person. It is therefore possible that he allowed himself to be drawn into the plot. The public, however, were much hurt by his arrest, and loudly denied the truth of the accusations against one whose glory was so dear to them. They suspected that the First Consul, jealous of a rival, had seized the first opportunity to get rid of him; and they waited with anxiety the trial which should clear up this matter.

Whilst the public mind was occupied with this affair, the capital was thrown into consternation by the news of a much more serious event, which, however, appeared to be connected with it. On the morning of the 22d March 1804, it was made known that the Duke d'Enghien had been carried to the Chateau of Vincennes, and there shot in the night! The details of this horrid event were not known,—indeed, the generation which had grown up were scarcely aware of the existence of the unfortunate prince in question—but they were deeply grieved to see the First Consul falling into the evil ways of the revolution, and tarnishing his glory, heretofore so pure, by this bloody execution.

All Paris assumed a sombre aspect. The barriers were closed as in the turbulent days of the revolution, and no one was allowed to leave the city after night-fall without permission from the governor of Paris.

The First Consul shut himself up in Malmaison, and would see nobody. Next day only his own family and his ministers were admitted. On learning from them the effect produced at Paris by the execution of the Duke d'Enghien, he became still more gloomy and resentful (menaçant). His anxiety carried his thoughts to the Legislative body who were assembled at that moment; and, dreading that some symptoms of discontent might be engendered therein, he gave orders to put an end to the session. A ready made closing oration was placed in the hands of Fourcroy, the councillor of state, which he was directed to deliver. This he accordingly did. The discourse spoke of the conspiracy which had been discovered, and of the intrigues of the Bourbons. It would have been desirable to have found in the President's reply some words of congratulation upon the arrests of the guilty persons—but he confined himself to general comments on the labours of the session, and preserved a profound silence respecting every thing else. Bonaparte came that day to Paris and presented himself unexpectedly before the Council of State, which had been assembled to consider ordinary affairs. He stepped in with his brows knit, and, having flung himself into his seat, gave utterance in the following words to the sentiments by which he was agitated.

"The population of Paris," exclaimed he, "is a collection of blockheads (un ramas de badauds) who believe the most absurd reports. Did they not take it into their heads to assert that the princes were concealed in the Austrian ambassador's house—as if I did not dare to seek for them in that asylum! Are we then in Athens, where criminals cannot be followed into the temple of Minerva? Was not the Marquis of Bedmar arrested in his own house by the Venetian senate? and would he not have been hanged but for the dread of the power of Spain? Were the rights of nations respected at Vienna in the case of our ambassador, Bernadotte, when the national flag, hoisted over the very house of the embassy, was insulted by a crowd who threatened to pull it down?

"I respect the decisions of public opinion when they are justly formed; but it has its caprices which we ought to learn to despise. It belongs to the government, and to those who support it, to enlighten the public—not to follow them in their wanderings. I carry with me the will of the nation, and have at my beck an army of five hundred thousand men—with which I know how to make the republic be treated with respect.

"If I had chosen to do so, I might have put the Duke d'Enghien to death publicly,—and, if I did not, it was not from any fear of the consequences—it was in order to prevent the secret partizans of that family from exposing themselves, and thus being ruined. They are now quiet—and it is all I ask of them. I don't investigate the hearts of men to discover their secret sorrows. No complaints have been laid before me against the emigrants included in the amnesty—they were counted as nothing in this conspiracy—it was not with them that Georges or the Polignacs found refuge—but with women of the town and other reprobates of Paris.

"I have no thoughts of returning to proscriptions 'en masse,'—and those who affect to believe so know it to be untrue. But let those look to themselves who take an individual share in such proceedings—they shall smart for it severely.

"I shall make no peace with England till she sends away the Bourbons, as Louis XIV. sent away the Stuarts, because their presence in England must always be dangerous to France. Russia, Sweden, and Prussia, have dismissed them. The Prince of Baden made no scruples about giving up the Duke d'Enghien to me. The other members of that family are permitted to reside at Warsaw only because I give my consent. The King of Prussia wished me to pension the Bourbons, in order to prevent their being dependent on England; but I refused to do so, because I have no notion of sending French money to assist the enemies of this country to make war upon her.

"I am perfectly satisfied with the behaviour of Prussia, Austria, and Russia. Count Markoff, the Russian ambassador, chose to protect M. Christian in opposition to my wishes.* I made a complaint of him to his court, and he was recalled accordingly.

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* "Le Sieur Christian," as Napoleon called him, was a Russian agent, against whom he had some cause of complaint. *P.*

"I am annoyed," added he, "that the 'Journal de Paris' of this morning has published the details of the conspiracy before I had communicated them to the Council of State, who ought certainly not to learn such things from the public papers. I have reprimanded the editor accordingly."

Napoleon frequently interrupted himself while running on in this way; for he evidently felt the necessity of making out a justification, but was puzzled what to say, and hence the vagueness of his expressions, and their want of coherence when touching on the main fact. After he had ceased speaking, no one else said a word; and this silence was abundantly significant. He then immediately left the room, and the meeting broke up; for our thoughts were too deeply fixed on this one topic to be able to attend to ordinary affairs.

A thousand rumours were put into circulation about the seizure and death of the Duke d'Enghien, as well as the motives which had prompted Napoleon to take this step. The most prevalent opinion was, that he wished to reassure the revolutionary party, by giving them proofs, that he would never lend himself to the restoration of the Bourbons. At the same time, he wished to destroy the hopes of the exiled family and their partisans. And certainly this deed furnished a sanguinary reply to the letters which the Abbé Sabatier de Castres wrote to Louis XVIII. in April of the year before, and which had been printed and circulated in France, predicting the return of the Bourbons, and making out that Bonaparte was, at bottom, a friend to the ancient monarchy ![*]

[*] The following is an extract from the letter written by the Abbé de Castres to Louis XVIII. dated Altona, the 7th April 1803, to justify himself for having praised Bonaparte:—

"For the last five or six years France has had no more zealous friends, nor the royal house (auguste maison) of Bourbon more sincere or abler defenders than S——s, T——,[*] and the First Consul. I have kept on terms with Bonaparte, because I consider him the saviour of the royal cause in Europe, and the speedy restorer of your royal house."

The following note was written at the end of the above letter, by a person well acquainted with the incidents of that day. *P.*

"The Abbé Sabatier, although a sturdy royalist, dispatched an express to Bonaparte, at that time generalissimo of the army in Italy in 1797, to acquaint him with a plot against his life, under the full persuasion that he (Bonaparte,) would gain the mastery of the Revolution, and one day restore the monarchy. After the 18th Brumaire (November 9th, 1799,) he wrote to say that Bonaparte would re-establish the monarchy in favour of the Duke d' Angoulême, but that he would first declare himself Emperor of the French, a title purely honorary, and not at all to be that of King of France, nor giving the right of seigniory over the territory and inhabitants of the country."

The letter which contained all this was printed and circulated in 1803. *P.*

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[*] Sièyes and Talleyrand. *P.*

The same tone had been taken by M. Ferrant in a work called Esprit de l'Histoire, where Bonaparte is called upon to act the part of the English General Monk.*

About this period Napoleon called several distinguished characters who had figured in the Revolution out of the obscurity in which they had been kept up to that time. But these persons were even more repugnant to his taste than the partisans of the old dynasty; and under the apprehension that they might take advantage of their transient favour, he declared openly that whoever presumed to agitate public matters should be punished without mercy.

"It may be clearly seen," he exclaimed, "by the fate of the Duke d'Enghien, that I shall spare no one!"

It was soon known that the tragic death of this prince had not produced less sensation abroad than it had done at home. A strong protest of the Emperor of Russia to the Diet at Ratisbon against this violation of the German territory, and the breach of the law of nations, was secretly handed about.* The Russian ambassador in London, it was said, paid a visit of condolence, in full state, to the Prince of Condé, the Duke D'Enghien's grandfather. Finally, the well known sarcasm of one of Napoleon's own ministers (Talleyrand) was spread about,—" That the death of the Duke d'Enghien was worse than a crime—it was a blunder!" [Que la mort du duc d'Enghien était pis qu'un crime, que c'etait une faute.]

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* Esprit de l'Histoire, tom. iv. p. 113. The passage alluded to in M. Ferrant's book is a strained eulogium on the conduct of General Monk, which is held up as the only means, in similar cases, of re-establishing order in a country. *P.*

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* Note transmitted by the Russian minister to the Diet at Ratisbon on the subject of the Duke d'Enghien.

*Ratisbon, 7th May* 1804.

The deplorable event which has just taken place in the States of his Highness the Elector of Baden, has exceedingly distressed the Emperor of Russia; for he could not view, without the greatest pain, this outrage committed on the tranquillity and the integrity of the German territory.

His Imperial Majesty is the more grieved at this event, from its having come unexpectedly from the hands of a government which, from having undertaken, in concert with his own, the part of a mediator, was under engagements to employ every means to preserve the prosperty and repose of Germany, and might thus have been expected to be the very last to depart so widely from the sacred law of nations, and from obligations so recently incurred.

It is needless to call the Diet's attention to the serious consequences which must ensue to the German empire if such acts of violence, heretofore without example, are allowed to pass in silence. The Diet will readily see how much the tranquillity of the whole empire, as well as of the separate states, will be endangered if such violent proceedings are allowed to pass unnoticed and without resistance, as if they were things to be tamely submitted to.

The Emperor of Russia, for these reasons, and also in his quality of surety and mediator in the German empire, considers it his duty to protest, in the most solemn manner, against an act which strikes directly at the root of all tranquillity and security in Germany, now justly alarmed at these most lamentable incidents.

His Imperial Majesty will lose no time in bringing his opinion of these things to the knowledge of the First Consul, through the medium of his Chargé d'Affaires at Paris.

His Imperial Majesty, who adopts this measure solely from an anxious solicitude to preserve the repose of the German empire, is fully persuaded not only that justice will be done to the disinterested nature of his anxiety, but that the Diet will cordially join their efforts to his in remonstrating with the French government, and claiming that redress which this violation of their dignity requires, as well as demanding adequate security against further inroads upon the rights of their country.

## CHAPTER VI.

### ESTABLISHMENT OF THE IMPERIAL THRONE—PRELIMINARY DISCUSSIONS.

BETWEEN the rupture of the peace of Amiens and the commencement of the war against Austria, Napoleon, besides other matters, occupied his thoughts with changing his divided and precarious title of First Consul for Life to one more in accordance with the style used by the other sovereigns of Europe. Many indications of this intention had already prepared the public mind for this important alteration. The First Consul was surrounded by a court like that of other monarchs. He had nominated great officers of the palace to do the honours, and he never went out that his carriage was not accompanied by an escort of cavalry with drawn swords in their hands.

He carefully effaced the bullet marks left on the walls of the Tuileries by the affair of the 10th of August 1792, and he erased from the balcony of the Louvre the offensive inscription relating to

Charles IX.* The newspaper most in repute, and which was supposed to speak only what Napoleon chose to inspire it withal, cried up the monarchical doctrines.† He took pains to depreciate those writers of the philosophical school whose works had the most essentially contributed to bring on the Revolution; and he even went so far as to propose to cast out the ashes of Voltaire and Rousseau from the Pantheon!

The spirit of the nation seemed to follow the same course. The electors chose none of the former deputies, but substituted those persons who were most distinguished for their fortune or their birth.

A trivial incident has been mentioned as indicative of the manner in which the civil authority yielded to the gradual ascendancy of the military power in the state. Upon some solemn occasion, Junot, who was then governor of Paris, took the place of the prefect of the Seine, at the head of the municipal body, and made a speech to Napoleon. But the city functionaries, who were highly displeased with this innovation, caused it to be given out in the Moniteur that the speech in question had been delivered by the prefect! In spite of this announcement, however, the fact remained as a clear indication of the tendency things were taking towards a monarchy, and what was more, a military monarchy; for it was obvious the officers merely acted on such occasions under the directions of their chief.

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* This inscription stated "that from that window the infamous Charles IX. fired upon the people with a carabine, on the day of the massacre of St. Bartholemew." *P.*

† This was the "Journal de l'Empire," now called the "Journal des Débats." *P.*

Many of the distinguished men of science whom Napoleon had placed in the Senate, and by whom he delighted to be surrounded, such as Lagrange, Laplace, Lacépède, Monge, and Berthollet, still continued their functions as professors,—for they were given to understand that the dignity of that situation, and the rules of society required them to keep away from the Senate; and thus the ancient prejudices of the court were revived even in the case of the noblest of all professions.

Finally, it was observed that the clergy were coming forward once more, and the order of the Jesuits, under the title of "Fathers of the Faith," (Pères de la Foi,) reappeared in the field, unchecked by the public authorities, who, from being uncertain as to the intentions of the First Consul, were afraid to interfere. All these things taken together, were held by the public as undoubted symptoms of an approaching change in the form of government. Napoleon, too, thought the time was come to confirm this notion. Indeed, the plots against his life had engendered no small alarm as to what was to happen after him; and these fears were augmented when people considered the risk which he must incur in the invasion of England. What moment, therefore, could be conceived more favourable to suggest to the nation the expediency of returning to the system of hereditary monarchy, which secures the fate of the country beyond the life of its existing ruler. Accordingly, there appeared insinuations to this effect in the various addresses presented to Napoleon on the occasion of the plots to assassinate him. But this was not enough; and it was deemed right that the Senate, which was considered the first body in the State, should come forward with an expression of its opinion on this matter, and their address on the conspiracies alluded to presented a good opportunity.

The papers relating to these matters, after having passed through the usual official hands, were referred, as usual, to a committee; but the members who composed it not being in the secret of what was going on, merely proposed in their draft of the address, a string of congratulations upon the escape which the First Consul and the country had made, without adding any suggestion as to the way of guaranteeing either against similar risks in future.

Fouché rose and said, this was far from being sufficient, and that, in order to destroy the hopes of the conspirators, and to secure the permanent existence of the government, after the death of the reigning chief, other institutions were indispensable. Upon this, one of the members of the Senate begged to be informed what the institutions alluded to were?

Fouché declined explaining himself more fully, but let it be understood that the evening before he had conferred with the First Consul on this important point. At this stage of the proceedings, a member, who had not usually voted with Fouché, rose to second his proposition; and as it was now fully understood that the whole affair had been arranged beforehand, no one chose to set himself against it; and the mysterious phrase suggested by Fouché was inserted in the address, without any explanation. Very few of the members knew distinctly what was contemplated, for Napoleon, being apprehensive of startling the public, let out his secret drop by drop; hence those delays of which he complained, as if they were not of his own proper creation, and hesitations on the part of those who ought to have come forward at once,—doubts which they were made to smart for. An Admiral,* for instance, having begged to know whether or not he ought to get up an address from the fleet, under his command, in favour of a hereditary monarchy, received an evasive answer, which he, naturally enough, imagining was meant as a damper on that proposal, did nothing. A long repose on the half-pay shelf gave him time to repent of this blunder.

The address, which was finally adopted by the Senate on the 27th of March 1804, was presented to the First Consul on the 28th, by a deputation of the members, who proceeded to meet him at the Tuileries, on his coming from Malmaison. The different bodies of the State having been summoned to attend, without being made aware what was to happen, questioned one another as to the object of their being thus drawn together.

The deputation of the Senate being introduced, their speech was made. The First Consul pretended to be greatly surprised with the wishes contained therein, and answered vaguely, saying, however, that he would not fail to take the subject into his consideration in the course of the year, thus seeking, by words which meant nothing, to dissemble his real impatience.

After the deputation of the Senate had retired, he turned to some of the members of the Council of State, who were standing near him,* and said,— "That, really, not being prepared for this suggestion, he could only make a vague answer, but that the subject deserved the greatest attention ;—that, for his part, he wanted nothing; he was perfectly contented with his lot,—but that it was his duty to consider also the lot of France, and what the future was likely to produce;—that, with respect to these points, he wished to avoid falling behind or going before the public sentiment;—and, finally, that he would certainly accept no new title like that of Consul for Life, without the sanction of the people."

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* The author's father was present at this remarkable moment ; but he himself did not arrive till some time afterwards. *P.*

As he rambled on in these terms, he recollected that a portion of his audience was formed of persons deeply committed to the Bourbons, and might fear that the re-establishment of the monarchical forms would extinguish their hopes of the return of the old dynasty, he added, " That the hereditary principle could alone prevent a counter revolution; that there was nothing to be apprehended during his life time, but that any elective chief, after himself, would be too weak to resist the Bourbon party; that some general officer must of necessity be chosen, and that there was none so circumstanced as to take his place.

" France," continued he, " is certainly under great obligations to her twenty generals of divisions, who have fought gallantly in the stations in which they were placed; but there is not a man of them all who has in him the proper stuff to make him the chief of an army, still less to be the chief of a government. In fact, since the times of Frederick and the Prince Eugene, Europe has not beheld one general in chief."

Vague as was the address of the Senate, it produced a great sensation all over France, because its purpose was perfectly obvious. It was the signal for numerous addresses of a similar stamp, of which many were much more explicit. Every one hurried to be the first. The military were afraid of being outstripped by the civilians, and they in turn were as eager to get before the soldiers. It might have been imagined that every one thought the favour of the new sovereign would be measured by the degree of anxiety shown to place him on the throne.

While the public opinion was thus put into the proper state of effervescence, the First Consul, in order to give matters a more direct and decisive impulse, desired the Council of State to take the three following questions into their consideration in his absence :—

*First*,—Is the hereditary form of government preferable to the elective form ?

*Second*,—Is it expedient (convenable) to establish the hereditary form at this particular juncture ?

*Third*,—In what manner ought the hereditary form of government to be established ?

Napoleon had not the least doubt that the Council of State would respond to his wishes by a declaration in exact accordance with his own views; and he reckoned that this sort of consultation, like the old deliberations of the Sorbonne, would satisfy the consciences of the weak and wavering.

But the Council were not so very pliable as Napoleon had imagined. The first question was sharply debated, and the hereditary principle found its opponents. "Recollect," said those who were for the hereditary form, "the fate of Poland; it will be just the same with France if she is exposed to the storms of an elective monarchy. How is it possible to calculate upon the free and conscientious votes of a country so given up to luxury, and where all the world are scrambling for places? Then, again, consider the foreign powers round us are all ready to profit by our dissensions; for they have given up none of their resentments, while the parties within our own territory have given up none of their hopes."

"Let it not be said that the First Consul will take good care to prevent any violence on the occasion of the first election, by availing himself of his right to name a successor. For who would pay the least attention to his nomination when he himself was no more?

"What is the use, then, of deliberating?—the public voice has already spoken out. The nation has seen the abyss into which it will be plunged by the death of the First Consul, and has loudly demanded a change in the constitution. Is it not, therefore, much better that the civil authorities should take the initiative in this matter, than wait till they are driven to it by the army? Now is the time to make conditions with the First Consul —and to stipulate for some guarantee of our liberties. We shall have nothing left to ask for if he reaches the sovereign power by the agency of his troops."

"It is very easy," replied the others, "to hold forth on the advantages of the hereditary form of government. But who is there that is insensible to the inconveniences which it brings in its train. For one king of sense and talents, how many blockheads or tyrants may not be reckoned? For a long time to come, France," said they, "will require to have at the head of affairs a man whose military reputation shall be such as to command respect both at home and abroad; and, if this be true, how shall the accidents of birth secure such an advantage? The nation is much more attached to the republican system of government, for which they have so long combatted, than people are willing to believe—and with what countenance shall we, who have given her that system as the best possible, turn round and recommend the adoption of a monarchy? And it is idle to say that a republic and a hereditary chief are compatible: this is merely to palm people off with words, and to deceive the country."

The same discordance of opinion burst forth when the second question was mooted—namely, the expediency of adopting the hereditary principle at that particular moment. And one member of the Council had the hardihood to ask whether it would be prudent to suggest to the country the establishment of the hereditary principle in favour of Napoleon, while all men's minds were under the excitement caused by the recent execution of the Duke d'Enghien?

There was a much greater agreement of opinion as to the third question, viz. "How ought the hereditary government to be established?" for all parties were agreed that it ought to be accompanied by every guarantee calculated to reassure the friends of freedom. For example, that there should be an intermediate class (no one dared to mention the word *nobility*) between the throne and the people; because, said they, the throne could never resist the tempests which would assail it, if it were placed, alone, on a lofty exposure, in the midst of the immense plain of equality.

Those members of the Council who owed their elevation to the Revolution, held forth on the advantages which the new sovereign would derive from surrounding himself with the new families, while those of the old nobility recommended that he should attach himself to such of the ancient families as chose to draw near to him.

One member of the Council was of opinion that the new institutions having for their object the security of freedom, ought not to be brought into action till after the death of the First Consul, because there was nothing to be feared from him on that score! This proposition was rejected, on the ground, that such guarantees as had been alluded to were the essential passports for the hereditary principle.

Another member conceived that, even in establishing this hereditary principle, they ought to make an exception in favour of the First Consul, and permit him, in the event of his having no children, to name as his successor such member of his family as he might choose to select. The reply to this was, that it destroyed the principle by the same breath which established it; and that the First Consul, if he were afraid of having no children, was at liberty to divorce his wife. Or that, if he must choose one of his brothers to succeed him, it would be better to follow the natural order than to leave so dangerous a doubt which would inevitably breed troubles and discord not only in the family, but in the State at large. Indeed, it was whispered abroad that such dissensions had already disturbed the peace of Napoleon's family.

The next point of discussion related to the title of the new hereditary chief of the State. Should it be *Consul*—or *Prince*—or *Emperor?* No one proposed to say *King!* The re-establishment of royalty itself seemed a possible case—but the title which the monarch was to bear, none was bold enough to utter! That of Consul or of Prince sounded too modest—that of Emperor too ambitious. It was even urged against the title of Emperor, in the case of Napoleon, that his family had always lived in a very humble condition, and that those who had known him in his low estate would not readily accommodate themselves to the sight of an imperial family springing from such a source. In the end, nothing was decided upon relating to this point.

The presidents of the different sections, after these discussions were over, retired to draw up the answer of the three questions proposed to the Council. But the following report gave satisfaction to neither party. One considered it too republican in its tone—the other too monarchical.

" The Councillors of State, at the desire of the First Consul, having taken into their consideration the wishes expressed by the Senate, and being of opinion that the nation at large is interested in having a government, the principles of which shall be fixed, the objects steady, the measures duly persevered in, the policy unchangeable, and the alliances substantial, are of opinion that the Revolution which commenced in 1789 was not directed against the hereditary principle of the chief magistracy—and if, at a subsequent period, its force was directed against the family in whose favour the representatives of the people had confirmed the hereditary principle alluded to, it was merely because that family took up arms against the Revolution and its principles:—

"That the nation will still further confirm its disinclination to that family, by calling in and placing at its head a new family:

"That the establishment of the hereditary principle in a family is not a boon to that family, but a concession made to the public interests:

"That the proper moment for framing such an institution is when great dangers threaten the country by menacing the person of the First Consul, when England has sent forth assassins armed against his life, and when various other evils, springing out of the dangers of war, expose the supreme head of the State to imminent risk:

"That, as the establishment of the hereditary principle removes the dangers which threaten the State, prevents the occurrence of the evils which might be dreaded, and secures those advantages which are desired, the nation has an immediate interest in seeing hereditary institutions adopted forthwith :

" That if any motives for delaying the establishment of the hereditary principle did exist, they must arise only from the external relations of the country, of the extent and importance of which no one but the head of the government could be a proper judge, but that, so far as they could be estimated, they seemed to counsel immediate action rather than delay :

" That the principle of a hereditary chief magistrate is consonant to the manners of the nation, suitable to the population, and consistent with the extent of its dominions :

" That the nation, accordingly, are ready to declare for the hereditary system, and, at the same time, to enter into a guarantee for the security of all those institutions, and all those rights for which their armies have fought. The same act which secures the hereditary principle of the monarchy in one family, will also insure the right of individual freedom, the free exercise of religious worship, the security of property, the irrevocable nature of the alienations of the national domains, political and civil equality, the imposition of taxes, as well as the passing of laws by a representative body, and, finally, the abolition of all those privileges and other hereditary rights done away with by the Revolution, with the sole exception of the hereditary principle in the family of the chief magistrate.

"And, accordingly, they are of opinion,

"1*st*, That it is to the interest of the French nation to declare the functions of the First Consul hereditary in his family.

"*2dly*, That if the foreign relations of the country do not render such a measure inconvenient, the present moment is not only favourable, but circumstances are such as to render such a step peculiarly expedient.

"*3dly*, That the hereditary principle ought to be based on those maxims established at the beginning of the Revolution—and, keeping out of sight every thing which was done from any distrust of the particular dynasty which the Revolution overthrew—attend only to those views which are calculated to contribute to the solid establishment of the new dynasty which the Revolution has raised up.

"4*thly*, That the stability and strength of the hereditary monarchy, and the rights of the nation at large, ought to be secured by the same act, and should rest in institutions growing out of individual freedom; on religious liberty; on security of property; on the irrevocable nature of the sales of the national domains; on the political equality which renders every citizen in the State eligible to every office; on civil equality, which ensures to every man the right of being alike protected by the laws; on the privilege of voting, through national representatives, as to the formation of those laws and the annual imposition of taxes according to the expenses and estimates of the preceding year.

"*5thly*, That the act constituting the hereditary right of the chief magistrate, and containing the above mentioned guarantees on the part of the nation, shall be subject to no change or modification except by the desire of the French people."

Such a multitude of amendments were proposed to this document that it was difficult for any one to be heard; and, at last, when the Council were worn out with disputation, it was agreed that each member should draw up his own answer to the three questions, and send them direct to the First Consul. This was not at all what he had reckoned upon; for what use could he make of these individual opinions? What alone he wished to have was, the declaration of the Council of State as a body, as a resting-place for public opinion.

So petty an incident, however, could have no effect in checking Napoleon in the pursuit of his object. The Senate and the 'Tribunat' were called upon by a special message to tell him decidedly what they thought upon the important questions which engaged the public attention. The

Legislative body was not then in session, and the meetings were held at Joseph's house, where the most influential members of the Senate, and of the Legislative assembly, who happened to be at Paris, were called together, and addressed in these words:

"Make up your minds speedily—unless you wish your decision to be accelerated by the voice of the troops. The First Consul is setting out to visit the camps stationed between Brest and Hanover; and there can be no doubt that the soldiers will proclaim him Emperor—nor that the people will hail the award of the army. What can the great bodies of the State do in such an event—but to sanction such election? Is it not wiser for you to get before the troops and the multitude? You are consulted to-day—to-morrow you may be passed by. It belongs especially to you, as revolutionists, to take the initiative on this occasion—for who can have a deeper interest than you in consolidating the authority of the First Consul, and shutting out the Bourbons effectually? The title of Hereditary Consul would never suit Napoleon, for it smacks of the Republic—that of EMPEROR is the only one worthy of him and of France."

So great, at this moment, was the impatience of the troops, that the garrison of Paris had actually resolved to proclaim their chief Emperor at the first review! And the governor of the city, Murat, was actually obliged to assemble the officers at his house, and to make them promise to restrain the soldiers. It was at last agreed, that if nothing was done in eight days, the troops should be left free to follow their own impulses. It was manifest, from all this, that the First Consul wished to urge the great bodies of the State into action by the instrumentality of the army; for it would not have suited his purpose so well had the military, too openly and directly, taken the initiative in raising him to the supreme power, and thus giving the whole the character of a military revolution, like that of the 18th Brumaire, (9th Nov. 1799,) when he overturned the Directory.

# CHAPTER VII.

## CONTINUATION OF THE DISCUSSIONS RESPECTING THE ESTABLISHMENT OF THE IMPERIAL THRONE.—THE SENATUS CONSULTUM.

After every thing had been prepared behind the curtain, as to the part which was to be played by the great bodies of the state, on the accession of Napoleon to the imperial dignity, the drama commenced before the public.

The "Tribunat" was the first to move in this matter. One of its members,* expressly named to bring the subject forward, and whose speech had been submitted to Bonaparte, broached the proposal, in the midst of the assembly, that the First Consul should be invested with the hereditary power, under the title of Emperor.

This recommendation, though combatted by five or six members, was adopted, and reduced to the form of a resolution. When carried up to the senate, it met with scarcely any opposition. Volney, Grégoire, and Sieyes, and Lajuinais, voted against it, while the members of the Société d'Auteuil, Cabanis, Praslin, &c. declined voting, and declared that they relied on the wisdom of the Senate to decide. An address was accordingly drawn up, beseeching the First Consul to yield to the wishes of the nation, and a memorial prepared, in which the Senate requested:—

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* Mons. Curée. *P.*

1*st*, That the office of senator might, in like manner, be made hereditary, and that they should be tried only by their peers of the Senate.

2*d*, That the Senate should have the initiative in proposing laws, or that they should possess a *Veto* upon them.

3*d*, That the Council of State should not be the interpreters of the "Senatus Consultes."*

4*th*, That two commissioners should be nominated out of the Senate; one to protect the liberty of the press, the other to secure freedom of persons.

The First Cousul expressed, in the Council of State, the highest displeasure at these pretensions which the Senate had presumed to set up.

"The day may come," exclaimed he, when the Senate will take advanage of the weakness of my sucessors to seize the reins of government for themselves.

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* That is to say, the Council of State, which did not form part of the Legislative Body, had not the right of pronouncing on the meaning of the laws, which interpretive authority belongs always to those who have enacted them. *P.*

The spirit of that body is quite well known; it stimulates them to strengthen their power by all possible means. They would demolish the Legislative Body if they could; and if an opportunity were to present itself, they would make a compact with the Bourbons at the expense of the nation. The senators wish to be legislators, electors, and judges, all in one! But such a union of powers is monstrous. They affect, forsooth, to consider themselves as the guardians of the liberties of the country; but what better guardian can they have than the prince? Besides, should he choose to attack them, who could make head against him? The Senate are mightily mistaken if they fancy they have any national or representative character. Their authority is one which emanates from the government, like the rest, and is constituted as they are. As a body, a certain degree of power is ascribed to them; but as for the members, considered individually, they are nothing at all.

"These pretensions," he continued, "of the Senate, are merely old recollections of the English Constitution; but no two things can be more dissimilar than France and England. The Frenchman lives under a clear sky, drinks a brisk and joyous wine, and lives on food which keeps his senses in constant activity. Your Englishman, on the other hand, dwells on a damp soil, under a sun which is almost cold, swills beer or porter, and demolishes a quantity of butter and cheese, (consomme beaucoup de laitages). Accordingly, the blood of the people not being composed of the same elements, their characters are unlike. The Frenchman is vain, giddy, bold, and, above all things on earth, fond of equality; and thus we have seen them at all periods of their history declaring war against the distinctions of rank and fortune. The other, the Englishman, is rather proud than vain; he is naturally grave, and does not trouble himself with petty distinctions, but attacks serious abuses. He is far more solicitous to maintain his own rights than to invade those of others. An Englishman is at once haughty and humble, independent and submissive. What folly, then, to dream of giving the same institutions to two such different people! Moreover, I should like to ask who is to protect the French Chambers against a prince who has at his disposal an army of four hundred thousand men, whom the geographical situation of the country renders it always necessary should be kept on foot?

"I propose, for the present, to exclude from my political succession two of my brothers; one* because, in spite of all his abilities, he has made a ridiculous marriage, (un mariage de carnival). The other because he took upon himself, and without my consent, to marry an American lady.* If they agree to give up their wives, I shall give them back their political rights. As to the husbands of my sisters, they can have no pretensions on this occasion. I do not come into possession of this empire in right of succession, but by the will of the people ; and I may call whom I please to share fortunes with me.

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* This was Lucien, Prince de Canino, who married Madame Jouberteau, widow of a banker. *P.*

"It has, indeed, been said, that even if I specify the persons who are to be excluded from the succession, my wishes in that respect will not be attended to; and the want of attention paid to the will of Louis XIV. has been quoted in proof of this danger. But there is no resemblance in the cases. Louis XIV. did wrong in naming to the regency an unwarlike prince, one who, moreover, was a bastard.† It was an easy matter for the Duke of Orleans to frighten the Duke of Maine, by threatening him, if he resisted, to denounce him as illegitimate, and thus to strip him of his rank as prince. In addition to this, Louis XIV. at the time of his death, had lost the respect and attachment of the people, and thence arose the contempt with which his last wishes were treated."

This harangue lasted so long that it occupied the whole time of the sitting; and nothing was discussed. Napoleon, however, held sundry private consultations on this important affair. He called together certain members of the Senate, the "Tribunat," the Legislative Body, and the Council of State. The members of the "Tribunat" wished that their functions might last ten years in place of five, and that their salary should be five-and-twenty thousand francs (£1000) instead of fifteen, (£600). The president of the Legislative Body thought proper, also, to require an extension of period for his assembly, as well as an augmentation of the salary of the members. The Senate had already, as we have seen, proposed their terms; but the Council of State made no demand of any kind.

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* Jerome, who married Miss Paterson of Baltimore. *Trans.*

† The Duke of Maine, who was Louis XIV.'s natural son. *Trans.*

After every thing was arranged at these conferences, the First Consul had a report of the resolutions drawn up to be carried to the Senate, the members of which proceeded at once to business; and on that very day the senators were in full march on their way to Saint Cloud, bearing with them the act declaring Napoleon emperor!

So well had the eagerness of the Senate been reckoned upon, that in crossing the Champ-de-Mars they could see the artillerymen at their guns, ready to announce to the capital the change to be brought about in the form of the government. At Saint Cloud, where every thing was prepared for their reception, they were introduced into the hall, where the First Consul, surrounded by the Council of State, awaited their arrival. The Second Consul, Cambacérès, as president of the Senate, read the resolutions, and pronounced a discourse on the occasion. Napoleon, who appeared to be affected by these proceedings, replied in a few words, that he accepted the empire in order that he might labour for the happiness of the French. He then turned to the Second Consul, whose office had now disappeared, and addressed him in some civil phrases on his political life, and the services he had rendered him. The Senate next passed on to the apartments of Madame Bonaparte—such was still her title—to felicitate her upon her new rank. She was surrounded by the First Consul's sisters; and it was interesting to observe the expression of these ladies' countenances as they received these new honours. It was alleged that, along with a small portion of embarrassment, a very lively satisfaction could be distinguished.

The inhabitants of Paris were apprised by discharges of cannon that the form of the government was changed; and some of the public functionaries illuminated their houses. This was the only symptom of public rejoicing,—not that the assumption of the empire by the First Consul was viewed with any dissatisfaction,—but the circumstance was scarcely of any moment, so completely was he already in possession of the sovereign authority!

Nevertheless, the transition was the subject of conversation in every corner of Paris next day; and criticisms were by no means spared on the conduct of the leaders. "Every one," cried the citizens, "appears to have taken thought only of himself! These grandees of the state never dreamed of making stipulations, except for their own interests. Why was not the Legislative Body,—the only assembly elected by the people,—called together? The new Emperor, who is to nominate to every office, even to the mayor of a village, will have more power than the old kings of France! What is the use of all these court dignities? Are they not obviously created to feed the vanity of individuals, not to advance the interests of the nation?"

These murmurs came chiefly from the very old or the very young patriots, who beheld their dreams of a republic vanish from before their eyes. But the ancient families likewise found cause of complaint. The sole consolation left them after the loss of their exclusive privileges had consisted in that equality which was now to be done away with by the formation of a nobility chosen from the new families.

Some instances were mentioned of a more decided opposition being shown to the ambition of the First Consul. A tragic author,* who had long been his personal friend, is said to have sent back his cross of the Legion of Honour; while a member of the Senate (Volney) and two members of the Institute (Lareveillère-L paux and Duperron) imitated this example. It was further said that the Institute had refused to vote an address for the establishment of the monarchy. The truth is, they were in the act of voting this address when word was brought them that the Senate were on the road to St. Cloud with their resolution, and there was no time to lose. They made an apology to the Emperor, but the members of the Institute did not venture, for some time, to appear in Napoleon's company in their official dress—so apprehensive were they of having incurred the imperial displeasure.

Of course, the usual allowance of good things were uttered in the "Salons," upon the new-fangled titles of Excellency and Highness, as applied to certain personages. Epigrams and bon-mots flew about, and some few caricatures were circulated furtively. An occasional allusion also was ventured on the stage, but no serious resistance was offered anywhere. So that, in the course of a few days, the court was as much in fashion as it could have been in the times of Louis XV. or Louis XVI!

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* Lemercier. *P.*

As it was fitting, however, to organise these matters on a proper footing, innumerable tomes were drawn out of their dusty repose from the royal library, to be consulted on this momentous occasion. A solemn old gentleman, formerly one of the King's pages, was summoned from the country to expound the traditions of Versailles.* His appearance in the salons of the Tuileries was quite an event; for, except on the stage, such a personage, powdered and frizzled, had not been seen for many years. With an air of the most pompous frivolity, this oracle of the old court unfolded the secrets of bygone ages, and reclasped the links in the broken chain of time. By his means, the forgotten laws of court etiquette were revived, and a volume as large as the "code civil" was concocted forthwith. Chamberlains and equeries were speedily nominated, as well as a grand master of the ceremonies, and a grand usher. Each person was instructed in the place he had to fill in the long suite of halls of the palace. Every functionary, at every stage of rank, wore his distinctive costume. Napoleon himself regulated the dress of the Empress, and even made her exhibit before him!

With the re-establishment of the court, those ideas which naturally belong to it revived also. It was presently suggested to Napoleon to take up his quarters at Versailles, without troubling himself about the thirty millions (£1,250,000) which the repairs would cost. He was also urged to re-establish those odious preserves (Capitaineries des Chasses) which forbade the proprietors of the neighbouring forests from hunting on their own estates, lest by so doing they should interfere with the royal pleasure! Napoleon, we must do him the justice to admit, resisted these irritating propositions—but he was wrong in allowing them to be mooted at all. Happy would it have been had they been confined to trifles—and if the vicious spirit of flattery had been kept within the palace walls—but it was too soon discovered that its baneful influence had seized on the great bodies of the State.

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* This was a real person—but not a man whose name is known out of France. *P.*

The Senate having occasion to present to Napoleon a list of candidates for the *Sénatoreries*,* taken from amongst their members, pretended to exclude from the list the names of those who had voted against the establishment of the imperial throne—and these happened to be precisely the most remarkable men in the Senate. Such as Sieyes, Lanjuinais and others. Napoleon was quite indignant.

" The poltroons!" cried he, " are afraid of offending me! Who authorised them to take up my quarrel? Am I not powerful enough to defend myself; What confidence can I repose in men who thus abandon their colleagues and friends, to whom, in fact, they essentially owe any little consequence that belongs to them?"

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* Each *Sénatorie* consisted of a chateau and grounds, which the Senator enjoyed during his life. There were thirty of these Senatorial possessions scattered over France. *P.*

And yet how inconsistent is all this bluster! First to break men into habits of servitude, and then to rate them for their servility! Was it that, by running a-head of his orders, they had anticipated his wishes, and thus deprived him of the pleasure of commanding? Or may it not have been that he wished to wield, at one and the same moment, the too ready instruments of absolute power, and yet to claim the honour of reigning over freemen?

## CHAPTER VIII.

### CONTINUATION OF THE TRIAL OF MOREAU—DISCUSSION ON THE JURY.

While Napoleon was thus climbing to the highest summit of power, the proceedings against Moreau were carried on; and the anxiety which they caused not a little disturbed the pleasure of his elevation. A lively interest in favour of the accused General manifested itself not only in the army, but throughout the country. General Lecourbe, Moreau's companion in arms, was present at the meetings—never failed to shake hands with the prisoner—and scrupled not to threaten the government. The public watched the progress of the debates with uncommon anxiety; and much interest was excited to learn the issue of an application made by Madame Moreau to Napoleon. As the time for pronouncing the decision approached, so the fermentation in the public mind increased, and it was impossible to say to what lengths this excitement might have been carried had Moreau been condemned to death.

The government, accordingly, redoubled their precautions when the moment was at hand. Paris assumed the most threatening appearance. The troops, assembled in their barracks, were ready to march;—but who could reckon on their fidelity? So far from having confidence in their men, the commanding officers had very serious alarms—but they dared not express them to the Emperor for fear of displeasing him or driving him to extremities. He saw enough, however, to disturb his peace; and, in order to ascertain how matters stood, he sent his aides-de-camp at night to visit the different posts of the city, and to report to him, from hour to hour, what was the real state of Paris. But the capital was not the only point about which he felt uneasy, as he had reason to apprehend that, in the event of Moreau's condemnation, a dangerous sensation might be produced amongst the troops assembled in the camp at Boulogne.

The lenity of the sentence put an end to these alarms. Moreau was condemned merely to a couple of years' confinement—and straightway the agitation in the public mind was allayed. La Rivière and Polignac were sentenced to death, but Napoleon commuted their punishment into perpetual imprisonment. At the same time, he expressed great irritation at the indulgence of the judges in the case of Moreau, and at the motives which had influenced their sentence. This, he declared, they had made into a sort of resolution, (un senatus consulte). When Madame Moreau presented herself before him to pray for a remission of the sentence, his reply was,—"The judges have left me nothing to remit!"

It was much wished that Moreau should be allowed to reside in freedom at his country place of Gros Bois—and the old patriots said that something ought surely to be done for a general who had defended France with so much honour, especially by him who had just pardoned those who, for fifteen years, had borne arms against the country. But Napoleon decided that the sentence should take its course. Shortly afterwards, he gave vent, in the Council of State, to his anger on the result of Moreau's trial. There happened to be a discussion going on about trial by jury; and as Moreau had been judged by a special tribunal, he insisted that the court had yielded to external influence, and he asked, what could be expected from a jury?

"Juries," he exclaimed, "almost always let off the guilty. Even the English admit this; and, if they still continue the system, it is less for judicial than for political purposes—for they consider it a guarantee against the power of the crown. But is it to be supposed that a tyrant will have less power of influencing a jury than he has of influencing judges for life? What signifies, at this hour of the day, the question of its original intention? Is it not a double function, since the power of pardon given to the Sovereign enables him to soften the too great rigour of the laws in certain cases?"

The institution of trial by jury ran a great risk, at this juncture, of being entirely suppressed. It was attacked by Napoleon, but defended by various members of the Council. Treillard was the person who stood up most boldly against the Emperor. "It must be owned," said he, "that you are very obstinate." To which the other replied. "Your Majesty is not a whit less tenacious of your opinion than I am!" In the end, the question was put to the vote, and ten of the members voted with their master—that is, for the suppression of the trial by jury!"*

On this occasion, Napoleon complained bitterly of the conduct of the lawyers of Paris. "One of these gentlemen," said he, "had the temerity, during the trial of Moreau, to pronounce a public eulogium on the Count d'Artois; and another who was engaged to go to Lyons to defend a man who had killed a gendarme employed to arrest him, actually preached up the doctrine of resistance to authority! These lawyers are ever ready," he continued, "to intermeddle with political affairs—they attack, on all occasions, the law of divorce—and that of the national property. It is thus that they sap all foundations of government. I shall forbid their pleading any where out of Paris without permission from the grand judge—and that shall be granted only to those who will not make a bad use of it. If that is not found to answer, I shall find still more effectual means of managing them."

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* Fourteen, however, voted *for* the jury, and it was maintained accordingly. *P.*

## CHAPTER IX.

### FIRST DISTRIBUTION OF THE DECORATIONS OF THE LEGION OF HONOUR—RETURN OF FOUCHE TO BE MINISTER OF POLICE.

It was about the same time (July 1804) that the first distribution took place of the decorations of the Legion of Honour, and Napoleon, in restoring this sort of distinction, which had been abolished by the Revolution, showed that he well understood the weak side of the nation. He thought that the abolition of such distinctive orders had proceeded more from jealousy than from a sound principle of disinterestedness and modesty, and he naturally concluded that, although people might grumble a little at first, every one would presently be eager to share in the new decorations.

Complaints were accordingly made that the principle of equality was injured by the establishment of this order, and that those who were not admitted were virtually dishonoured. But these complaints betrayed more clearly the apprehension of being excluded, than any sincere regrets on the score of the order being re-established. Napoleon, therefore, allowed a little time to elapse for public opinion to settle before he made his first distribution of the crosses, and he chose the anniversary of the 14th of July for this ceremony. This attention to dates and anniversaries, in order to strike the imagination of the people, formed a distinctive feature of his policy: and, in pursuance of this idea, Lacépède, the grand chancellor of the order, failed not to point out that the Emperor had chosen to consecrate the victory of the 14th July (the day on which the Bastile was stormed) and the Revolution of 1789, by the re-institution of the order of the Legion of Honour. It was, indeed, a singular kind of consecration to re-establish that which the victory and the Revolution which it celebrated, had actually abolished!

The fact is, that Napoleon, who knew the national character, saw to what purpose he could turn these distinctions so well suited to flatter the people's vanity. He wished, in short, to revive and fix monarchical ideas; and he had read in Montesquieu, or, more propably, had learned from his own instinct, that honour is essentially the monarchical principle, and that the Prince ought to be the source of all honours. Such was the double object of the institution of this order—and the event showed that Napoleon was not deceived.

For history shows that the bit of ribbon, albeit frivolous in the eyes of the philosopher, has not proved one of the least of the causes of that extraordinary enthusiasm with which he was served, and which led to his prodigious successes.

The distribution of the decorations took place under the magnificent dome of the Invalids, while the flags conquered by our armies waved over head. Napoleon himself took his turn to receive his cross along with the marshall and the simple soldier—the senator and the village mayor. Many of these soldiers had been wounded, and some, having lost their sight in Egypt, could no longer distinguish the decorations which, however, they received with unbounded joy!

Napoleon conducted himself upon this occasion with great affability towards the military, from whose minds, as it would seem, he was anxious to efface any unpleasant impression that might have been left upon them by the proceedings against Moreau. He might also be desirous of indicating, that they were not likely to be less in favour under the monarchy than under the republic. It was also remarked, that in reading the oath he laid a particular stress on the words,—"I swear to maintain the integrity of the French territory." His voice, as he pronounced these words, seemed to breathe the very spirit of war, and it was clear he would never yield one inch of the soil he had gained by conquest. In short, he was the very same man who, ten years later, when just about to be crushed by all Europe combined in arms against him, declared that even if the enemy were at Montmartre, he would not relinquish one village of his empire, which extended from Hamburgh to Rome!

Amongst the persons who were present at this ceremony, were Admiral Truguet, Lecourbe, Macdonald, Masséna, Jourdan, all distinguished soldiers and children of the Revolution; and who, it was supposed, looked with no favourable eye upon the régime which had succeeded. The observation of the crowd was therefore fixed upon them, to discover whether or not these officers would be called up to receive the crosses of the order, and what reception Napoleon would give them. The two first (viz. Truguet and Lecourbe*) were not summoned at all; and it was observed that the Grand Chancellor, after some words in a low voice had passed between the Emperor and him, went up to them, upon which they retired. These officers remained for a long time out of favour.

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* These officers were out of favour in consequence of their being looked upon either as enemies or as rivals. Some of them were thought to be Republicans, and some were friends of Moreau. They were not received into favour again, till Napoleon, having sustained great losses, was compelled to employ them. Lecourbe was one of the most distinguished officers in France, and a great friend of Moreau's.—*P.*

Napoleon, at the same period, re-established the ministry of the general police, which he joined to that of the administration of justice, and gave the joint office again to Fouché, although he had previously suppressed it, expressly to get rid of that very man, towards whom he felt a certain degree of distrust. But the plots against his life, and the other dangers by which he was menaced, increased so fast, that it was clear the police was directed with less talent than it had been when directed by Fouché. That person, when out of office, used to wait on Napoleon every morning, and never let an opportunity pass of hinting the expediency of his being recalled. It was alleged, that on quitting the office, Fouché had left in it a man who kept him acquainted with every thing that was going on, while he informed the minister of police only of matters of little or no consequence; so that Napoleon actually learned more of such things through the ex-minister, than through the person at the head of the office! He therefore restored Fouché to a station for which he appears to have been born; but he placed by his side several councillors of State; amongst whom the police of France was divided. The professed object of this subdivision was to assist the minister; but, in fact, it was done to prevent his being vested with an authority quite uncontrolled.

The conversation of Fouché had great charms for Napoleon, because he confined himself strictly to what may be termed the political police; that is, to the relative situation of parties, to diplomatic intrigues, and to court gossip, without making the smallest allusion to the mere street and highway police, for which neither of them cared a straw.

Fouché possessed a bold and lively understanding, and he had much depth of judgment under an appearance of levity, which made him skip about like a squirrel, from one topic to another, without trying to fathom any one of them. This flippancy, whether feigned or natural, acted in his case as a safeguard to his secrets. For the rest, his character was such that he could not maintain himself long in authority, either under an absolute government or under a free one; for he was not submissive enough for the one, nor candid enough for the other. In Napoleon's court his manners were always marked by the disrespectful freedom of a Republican.

Napoleon, however, asserted, that it was quite against his will that the ministry of general police was re-established; that he was forced into this measure by the intrigues of England, and that he intended to suppress it at the general peace. He looked upon this office, in whatever hands it might be placed, as almost a rival to his own, and one which might be turned against himself. This distrust led him to set up numerous counter-polices, (contre-polices). There was the police of the palace, under the Grand Marshall; that of Paris, under the military governor; and another, still more extensive, under the Inspector-General of Gendarmerie. The Gendarmes, who were spread over every part of France, had to transmit daily by post, a bulletin of every thing that took place; and the heads of the police everywhere communicated directly with the Emperor.

In spite of all these jealous precautions, adopted as checks against him, Fouché acquired, from his character and position, an alarming degree of influence. He was indeed the only influential man under Napoleon; and this very characteristic, pressed too far, brought about his downfall. His master was offended even at his having raised an army to defend Antwerp against the unexpected attack of the English. "You may take it in your head some day," said Napoleon, "to raise an army against me!"

Their quarrel was like that between two lovers. Napoleon demanded back his letters; and Fouché pretended they were burned. Napoleon, in a rage, issued a decree, declaring that in future, the papers of every minister retiring from office should be sealed up. In the meantime, he got rid of Monsieur Fouché, by naming him governor of Rome. "I have only two cities," observed the Emperor—"Paris and Rome. I give you Rome—you ought to be contented therewith!"

## CHAPTER X.

### CONSULTATIONS RESPECTING THE CORONATION.

Napoleon having become Emperor by the wish of the senate and the acclamations of the people, desired a still further sanction—that of the anointing (sacre) and coronation—in order to consecrate the advent of his dynasty.

M. Denon, the director of the museum, was called upon to ascertain, by an examination of the archives and chronicles, what was done in such cases. A programme was accordingly drawn up, and read in his presence in the Council of State. While this was going on, he seemed entirely absorbed in a profound reverie. The opposition he had met with in Paris, on the Duke d'Enghien's death, and during the trial of Moreau, weighed on his mind; and as soon as the paper was concluded, he burst forth in the following words:—

"Would it not be possible to select some other city in place of Paris for the coronation? This city has ever been the curse of France. Its inhabitants, who are ungrateful and light-headed, have conceived the worst possible designs against me; and they would have been well pleased had Georges triumphed and I fallen. I cannot consider myself in safety in Paris unless surrounded by a numerous garrison; but I have two hundred thousand men under my orders, and fifteen hundred of these are sufficient to keep the Parisians in order. The bankers and money-changers may regret that the rate of interest is not to be at five per cent. per mensem; but many of these persons deserve to be banished a hundred leagues from Paris. I know well enough that they have distributed money amongst the people, expressly to stir them up to insurrection. I have pretended to be asleep for the last month, as I wished to ascertain how far this evil spirit would carry them; but I would have these folks take care what they are about—my awakening will be that of the lion!

"I am aware that I am spoken against, not only in public but in private parties, and that even men in office, whose duty it is to support my government, either basely maintain silence, or join the cry of those who traduce me. They exclaim against men who have rendered me important services in these trying times; their wish, no doubt, being to force me to dismiss them; but I know how to protect those who have been useful to me; and those who take me for a mock king, who is to act at their bidding, will find themselves egregiously mistaken.

"What preposterous reports are not put about? Has it not been said that the camps of Boulogne and Compeigne are all ready to mutiny? And do not these reports, when transmitted to the foreign courts, incline them to suppose that the government here in France is not consolidated? The authors of such things ought to be sought out and punished. The Prefect of Paris ought to send for the mayors of the different sections, the town council, the stockbrokers, and all those who have any influence, in order to instruct them better how to guide the public opinion. I was induced to make very bad appointments to the municipal council; and I know that one of the members, Monsieur P***, went so far as to distribute money during the trial of Moreau. In short, there is nothing left untried to set the capital against me!"

After this explosion against Paris, a deep silence prevailed in the Council; for the members felt themselves included in the reproaches launched against the public functionaries. At last one of them ventured to say, that he thought this statement of the ill-will of the Parisians exaggerated; and that possibly it was got up by the enemies of government in the view of leading it into extreme measures, which might still more essentially alienate the feelings of the population. Napoleon made a sign of incredulity, and repeated in a tone of excessive bitterness (colère concentrée), "Let them take care what they are about! The lion slumbers—but he is not dead!"

The truth is, that Paris was then, as it always has been, the focus of opposition; and on this account Napoleon objected to deputations being sent up to him from the Departments to compliment him. He feared that these provincials might get inoculated with the bad spirit of the capital, and carry the *virus* back with them to the country. About this time there appeared in the *Gazette de France* an article with which he was supposed to have had something to do, upon the motives which induced Constantine to change the seat of government from Rome to Byzantium.* The chief reason therein given is the

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* Extract from a letter addressed to the editor of the *Gazette de France*, of the 28th September 1804.

"It is interesting to inquire into the causes which induced Constantine to remove the seat of empire from Rome to the new capital of Constantinople; and there seems no reason to doubt that he was influenced to undertake this vast enterprise by the same motives which determined Diocletian to fix himself at Nicomedia, and Maximian at Milan.

These two princes, who had re-established order, peace, and repose in Rome, as well as in the empire at large, who had rendered themselves illustrious by their splendid victories over the barbarians of Asia and the North, proceeded to Rome after these great exploits, to receive the honour of a triumph. They naturally expected to meet with a reception suitable to the renown of their bad disposition of the inhabitants of Rome—for ever ready to find fault with the existing government. This was a hint to the city of Paris, that it might cease to be the capital; and it was even said that Napoleon had serious thoughts of establishing himself at Rome.

Be this as it may, he went on, after uttering this tirade against Paris, to discuss the ceremony of his coronation, and first to decide on what day it should

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warlike labours; but they encountered an ungrateful, inconstant, and light-headed people, who, so far from appreciating their services, or blessing the hands which had healed all their wounds, thought only of turning their benefactors into ridicule. On every occasion, when they showed themselves in the circus, at the theatre, or in any public place, they were exposed to the most indecent allusions, to sarcastic remarks, and to jests in their very presence, whereas, whenever any of the provinces were honoured with the presence of their monarchs, the inhabitants crowded round them to pay them homage, and to testify the gratitude they felt.

"The comparison which the emperors drew on these occasions, and which was nowise to the advantage of the capital, determined them to take up their permanent residence in cities less splendid, no doubt, but where they were received in a more flattering manner. Constantine seems to have been influenced by similar motives in regard to Rome, and to have felt equally averse to exposing himself to the annoyances which discomposed his predecessors.

"It is, indeed, wonderful that both Diocletian and Constantine did not recollect that, in order to punish a handful of blackguards,—mere vagabonds, and a set of heedless young men, they were bringing down ruin on an immense number of merchants and persons of property. Is this because even the noblest minds are not proof against ingratitude? Whatever was the reason, Rome was effectually degraded from her high rank; *and it will be well if this example serves as a lesson to posterity.*

take place. His own birth day, the 15th of August, was named by some one. He asked whether it might not be well to make it on the 9th of the November?—(the anniversary of the 18th Brumaire, on which he overturned the Directory.) The vintage of the south and the harvest of the north would be over by that time, and every one would be free to come to Paris. It was objected to this period, that if the ceremony were to take place in the open air, in the Champ de Mars, it would be too late in the year. Napoleon replied, that the ceremony might take place in a church—that it was by no means necessary that it should be witnessed by the whole multitude—and that the deputations from the departments, together with the public functionaries, would be quite sufficient.

"The Champ de Mars," said he, "has been thought of from an association with the confederation,* but the times are greatly changed since those days. The people were the sovereigns in those times, and every thing was required to be done before them—let us take care not to put it in their heads that it is always to be so. The people now-a-days are represented by the lawful authorities. Besides which, I cannot admit that the people of

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* On the 14th July 1790, when Louis XVI., the National Assembly, and the Deputies from all the Departments of France, were assembled to swear to the Constitution. *Trans.*

Paris, still less the people of France, are made up of the twenty or thirty thousand raggamuffins, who would take possession of the Champ de Mars on such an occasion. In such a mass I recognise nothing but the stupid and vicious population of a great city. The true people of France are the presidents of the Cantons, and the presidents of the Electoral Colleges; not forgetting the army, in the ranks of which will be found soldiers from every canton of the Empire.

" Only fancy," he continued, " the effect which would be produced by exposing the Emperor and his family, in their imperial robes, to the inclemency of the weather, and covered with mud, dust, or rain! What fine fun would not all this be for the Parisians, who delight in turning every thing into ridicule, and who are accustomed to see Chéron at the Opera, and Talma at the Théâtre Français, play the Emperor a vast deal better than ever I can do!

" It has been proposed to have the ceremony in the church of the Invalids, on account of the warlike associations connected with that institution; but the cathedral of Notre Dame will answer better. It is more vast in space; and it, too, has associations which speak still more forcibly to the imagination, so that the whole ceremony will be rendered more solemn in that place than anywhere else."

One of the members of the Council of State still insisted that the "Invalids," was the best place.

"That church," said he, "is less under the dominion of the clergy, because it is not a parish church, and for that reason it ought to be fixed upon. Besides, the ceremony is not purely a religious one, but rather of a political nature. Notre Dame, on the contrary, will recall to the minds of the clergy those days in which they used to bestow crowns as well as take them away. That cathedral is strictly diocesan; the church of the Invalids, on the contrary, belongs to France; and therefore is every way more fitting for a national ceremony. The access to the Invalids is easy and spacious; that of Notre Dame so narrow and incommodious, that it would be difficult to preserve order and avoid danger.

"These motives," replied the Emperor, "are quite frivolous. To maintain order is a simple affair of the police; and for such a trifle it is not worth while to mortify the clergy, and relinquish a place otherwise suitable. The cathedral possesses a solemn character, worthy of a ceremony in a certain sense divine. It is moreover consecrated by long tradition to this use; and as for the procession, it will not be so numerous as people might suppose. There will be merely the public functionaries, pointed out by the senatus consultum of the 28th of Floreal, (18th May 1804), that is to say, the presidents of the different cantons, the mayors of the great towns, the presidents of the electoral colleges, and the presidents of the tribunals. There will also be a deputation from the national guard of each department, and a deputation from each corps of the army, as well as from the navy; to each of which I shall give a flag. I do not choose to have any deputations from the head-quarters of the military divisions, for that would be to admit in political matters another set of territorial boundaries besides that of the departments, and thus to suggest the re-establishment of the old provinces."

The next question discussed, related to the substitute which should be chosen in place of the Republican cock on the State Seal. One member proposed an elephant, another a lion couchant, with this legend,—" *Inoffensus quiescit.*" Napoleon, however, preferred the eagle, suggested by the director of the museum, and already associated in all men's minds as an inseparable emblem of the imperial power.

## CHAPTER XI.

### CAMPAIGN OF AUSTERLITZ—SKETCH OF THE COURT OF BAVARIA.

We left the Emperor, at the end of Chapter IV., flying off, from his camp at Boulogne, to the assistance of Bavaria, attacked by the Austrians. Before speaking of that memorable campaign, it is right to take a glance at Bavaria, and to mention some circumstances which will serve to exhibit the relative situation of France and Austria.

A dispute had arisen some time before, between the Bavarian government and the *immediate* nobility as they are called, of the ancient bishopricks of Wurtzburg and Bramberg, in Franconia, recently annexed to the territory of Bavaria. These nobles, claimed the right, which they had enjoyed in the time of their bishops, of living independent of the sovereign of the country, paying allegiance only to the Emperor. They were, according to their view of the matter, members of the Germanic body, and under this title were not liable to be called upon by any one but the Emperor, for contributions in men or money; accordingly they recognised no arbitrators in their differences with the inhabitants of the country, but the Aulic Council at Vienna. Such, in reality, was their former condition under the bishops. For they had taken advantage of the feebleness of those ecclesiastical governments, and of the interested support of the Emperor of Germany, to make themselves independent. The Elector of Bavaria, however, resolved to break up this remnant of feudal anarchy.

His first measures to bring these nobles within the scope of the laws, to which the rest of the community were amenable, met with the most lively resistance. It became even necessary to take possession of their castles, and to throw garrisons into them. Upon this strong proceeding, the nobles set up loud complaints, and claimed the Emperor of Germany's assistance, who had no inclination to abandon them, for he looked upon them as the advance picquets of the heart of Germany. He was in the habit of drawing from this source, not only his ministers and generals, but he obtained a number of well-instructed subordinate officers, such as his hereditary dominions could not furnish him.

The Aulic Council of Vienna, therefore, issued a decree, setting forth that as the Elector of Bavaria did not possess the rights exercised by the bishops of old, he must re-instate these *immediate* nobles in their castles and other possessions; and that if this was not presently done, the Emperor would employ force to compel the Elector to obey his mandate. Suiting the action to the word, he accordingly advanced a body of troops in the direction of Bavaria. That country instantly appealed to France for assistance, and a mighty war might have been lighted up, had not the French minister at the Bavarian Court interposed. He was of opinion that it was to the interest of his country to finish the war with England, before undertaking another on the Continent, and he persuaded the Elector to desist for the time, from urging his pretensions.

It was at this period (April 1804) that the English minister at Munich, Mr. Drake, was discovered to have encouraged plots directed against the tranquillity of the interior of France, and the Elector of Bavaria, upon a complaint being made to him, begged the English minister not to come to Court, and obtained his recal.*

About the same time, Gustavus, the King of Sweden, who has since lost his crown, and made himself remarkable by his wanderings over Europe, came to the court of Bavaria to visit his sister, the Electress. The French minister was directed to sound him, in order to discover if he were disposed to renew the old alliance between the two countries; but he saw at once that this prince was too crazy to hold any dealings with.

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* See the whole of this affair of Mr. Drake, and its consequences clearly stated and fully justified, by references to the best informed French and other authorities in Mr. Alison's History of Europe, Vol. V. Chap. XXXVIII. P. 193.—*Trans.*

Gustavus, it appears, resembled Charles XII. only in appearance, but he himself supposed that he resembled his ancestor in every thing. The adventures of that strange monarch were his constant study; but, instead of placing himself, like Charles, at the head of his army, and opposing the encroachments of Russia, he travelled about from court to court, like a lazy individual, without ever perceiving what an excessive bore he was to his entertainers! His acts and his remarks often brought upon them no small embarrassments. For instance, at the court of Bavaria, he took part against the Elector in favour of the hostile nobility; and people might well wonder to see the successor of Gustavus Adolphus taking sides with the Emperor of Germany. In like manner, he cared little about compromising the Elector with France, by his behaviour on the occasion of the death of the Duke d'Enghien. He was not only followed, wherever he went, by the dog which had belonged to that unfortunate prince, but he held a language on that occasion much more appropriate to Stockholm than to Munich. He urged the Elector to imitate his example and that of Russia, and to remit to the Diet a protest against this violation of the law of nations.* The Elector, however, declined to act on this proposition, and went to the country for a few days, either to get rid of the importunities of Gustavus, or to avoid giving an audience to the Russian and Swedish ministers, who had put on mourning on the occasion.

The re-establishment of the monarchical form of government in France, by the assumption of the imperial throne by Napoleon, appears to have greatly conciliated the German courts. It made Gustavus forget even the death of the Duke d'Enghien ! The courts of Germany flattered themselves that Bonaparte, having reached the highest point of power, would busy himself with the government of France, without dreaming of making external conquests. But this expectation only showed their ignorance of the human heart ; and the union of the crown of Italy with that of France speedily dissipated this illusion.

Austria, naturally alarmed at this dangerous neighbourhood, prepared for war. She augmented the number of the troops which the quarrel with the nobility of Bavaria had occasioned her to assemble on the frontier, and she held herself in readiness to invade that country. These proceedings instantly gave rise to a brisk correspondence between the ministers of France and Austria at Munich, as to which of their governments Bavaria was henceforth to be allied. It was clear that this alliance, whichever way it was decided, would have a great effect in the issue of the war, because it would determine on which side thirty thousand Bavarians were to range themselves, in a country so placed as to form what is called the pivot of the military operations of the campaign. These considerations render it proper to say something of the dispositions of the court of Munich, as far as concern its relations with France and Austria at that epoch.

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* See the Emperor of Russia's protest. *Supra*, page 52.

The Elector Maximilian was personally well disposed to France. His old recollections, indeed, attached him to that country, in the army of which he had served as colonel before the extinction of the direct heirs had called him to the electoral dignity. The principles of the French Revolution did not inspire him with the same disgust which the other sovereigns of Europe felt. He had, moreover, personally assisted in the struggle against the clergy, when the monkish orders were to be secularised, and against the nobility, when they were to be reduced to the common level. M. de Montgelas, also, his prime minister, was attached to the liberal side; he had established Sunday schools for the people, under the direction of Count Rumford, a general in the service of Bavaria, but better known to the world as a man of science and a philanthropist.* Distinguished professors, invited from all parts of Germany, and who filled the chairs of the universities of Wurtzburg and Landshut, lectured freely on all questions connected with the public rights; so that both the elector and his minister felt themselves more disposed to think well of the French principles, and the French alliance, than of those of Austria. France, indeed, had already, by the late treaties, obtained for Bavaria an important augmentation of territory. Finally, Maximilian felt a sincere admiration for Napoleon.

It was quite otherwise with the Electress, who had been brought up by her mother, (Caroline, daughter of the hereditary Prince of Baden,) as her sisters, the Empress of Russia and the Queen of Sweden, had been, to consider themselves as rallying points for the anti-gallican party. The Austrian minister pressed her on this side, representing M. de Montgelas as a follower of these revolutionary Frenchmen who had overturned their country. The dismissal of that minister, and a strict alliance with

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* It may not be generally known, perhaps, that the beautiful public walks at Munich, called the English Garden, are entirely the work of Count Rumford, whose memory is much respected there. *Trans.*

Austria, were the only means he assented to of exempting Bavaria and the royal family from the same revolutionary disasters. The Electress, greatly terrified by these representations, supplicated the Elector, with tears in her eyes, to dismiss his minister, and to change his system of policy. She was an excellent wife, and being the mother of a numerous family, she had strong claims on his regard, and the Elector could, with difficulty, resist these attacks, which visibly affected his health.

In spite of all this, the French minister succeeded in winning him over to his own way of thinking. At first the Elector had proposed to remain neutral; then he had offered his alliance to France, but only in the event of his territory being invaded by Austria; then he made it contingent upon the adhesion of Prussia; and finally he required that it should not have reference to the kingdom of Italy, since the annexation of that country to the crown of France formed the principal complaint of Austria. All these qualifications, however, were upon the point of being given up, and a defensive and offensive alliance was about to be signed, when the news of a more decisive movement on the part of the Austrians brought matters to a crisis.

The Elector of Bavaria, in an autograph letter, dated 5th September 1805, and addressed to Mons. Otto, the Minister of France at Munich, wrote as follows:—"The Austrians have already prepared their boats for crossing the Inn, and I expect every instant to see them enter my territory of Bavaria. I have no doubt either, that Buol, the Austrian minister, will require me to say whether I am for or against them. If I reply that I have made a treaty of alliance with France, straightway my troops and my country are lost. If he says that I may remain neutral on condition that my forces are not to move one step, and that I must remain quiet, what would you advise me to answer? I am ready to sacrifice every thing—even my freedom—to prove to the Emperor Napoleon that I am sincere in my wish to perform my engagements to him. If your army does not come speedily into Germany, all is lost. The enemy will have time to occupy the best positions, and it will cost many lives and much trouble to dislodge them."

The Austrians accordingly made preparations for invading Bavaria, and the unhappy Elector, greatly alarmed, consented to enter into negociations with the invaders of his country.

"Take pity on me," writes he in despair. "I am the most unfortunate of men, and God knows that I am not acting falsely. My situation is more than painful. You know, that as Prince Schwartzenberg is authorised to treat with me, I have no longer any excuse for not sending some one to

Vienna. But the idea of breaking faith with my protector, and appearing to play a double part in the eyes of the Emperor Napoleon, is a grief which will, I hope, soon send me to my grave! The Austrians are to enter this very day into my dominions, and my troops are not yet assembled. I was not even certain if I could move—my mind was distracted. I feel calmer than I was yesterday, but I am sensible of the full horror of my situation. I wrote this morning to the Emperor of Germany, and I told him that as my son was in France, he would be lost to me if my neutrality was not allowed. I implored it on my bended knees; and if you could have witnessed what I have suffered these two last days, you would have pitied me!"*

Nothing was settled, however, with Prince Schwartzenberg, and it was manifest that the Elector might be brought back to the alliance with France, if he could be prevailed upon to quit Munich before the Austrians reached that capital. M. Otto, the minister of France, exerted every nerve to accomplish this purpose. He showed the Elector that his own interest, as well as his dignity, called upon him not to wait for the arrival of the Austrians at Munich; for if he fell into their hands, it was clear he must accede to every thing they chose to prescribe. On the contrary, as was urged Mons. Otto, if the Elector retired, he would preserve all his independence, as respected Austria; and he might even threaten, in the event of their requiring too hard conditions, to throw himself into the arms of France. The Elector yielded to this reasoning, and the cause of France might be said to have been half gained by his retiring from his capital. It was time, indeed, that he moved, for the Austrians were close at hand; and in writing to the French minister that he had followed his counsel and meant to go to Wurtzburg, he adds, " I tremble lest the enemy should take up a position on the Leck, and interfere with my movements."

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* From an autograph letter, dated 8th September 1805.

The Corps Diplomatique accompanied the Elector to Wurtzburg, and there began afresh the struggle between the minister of France, on the one hand, and the ministers of Austria and of England on the other, each party endeavouring to draw the Elector to their side. By both parties offers were made of an augmentation of territory, and of the royal dignity. But the offer of Austria was backed by an army already in possession of Bavaria, while the troops of France were yet at so great a distance that the Elector feared they might come too late.

The misfortunes of Charles VII., one of his predecessors, who had lost his possessions by allying himself with France, troubled his imagination; and as the Austrians were masters of Munich, and might march to Wurtzburg when they pleased, he resolved to treat with them, and to give up treating with France. But in following up this step, he lost time; and of this precious time the French minister failed not to profit, by instantly sending off extraordinary couriers to Marmont and Bernadotte (who respectively commanded divisions of the army at Mentz and in Westphalia), to represent to them the state of affairs, and requiring them to move at once, by forced marches, towards Wurtzburg, and without waiting for Napoleon's orders. They set out, accordingly, and arrived just in the nick of time to re-establish the preponderance of France in the councils of Bavaria.

As soon as the Elector was re-assured by the arrival of this assistance, he expressed the bitterest regret at having allowed himself to be drawn into any negociations with Austria, and gave orders for the Bavarian troops to join those of France. But what internal struggles did these measures cost the poor Elector! "You will oblige me much," he says in a letter to M. Otto, "if you will take measures to prevent any one mentioning to the Electress that the Bavarian and French troops are to be united. This news would inevitably produce a scene."* He

* Letter dated Wurtzburg, 28th September 1805.

still hesitated, however, to sign the treaty, and it was not ratified till the 12th of October; but it was agreed, in order to cloak this long period of vacillation, that it should bear the date of the 23d September, and the Emperor's ratification that of the 7th October!

Napoleon heard of these negociations with the highest satisfaction. He kept up an active correspondence with his minister, M. Otto, at Munich, and he took upon himself to give particular instructions as to the first operations of the campaign.

Napoleon passed the Danube on the 7th October 1805, and gained an important advantage over the Austrians, where the junction of the Bavarian troops contributed not a little to his success. What a difference in this respect might not have arisen, had the Bavarian army been opposed to the French, instead of acting in concert with them! The Austrians evacuated Munich, and Bernadotte entered that city on the 12th October. The Elector was filled with joy on learning that his capital was free; but M. Otto had almost as much trouble to get him to return, as he had had in making him retire from that city, for he was in terror lest he should fall into the hands of some of the parties of flying Austrians who for some time covered the road. "Oh, yes," he wrote, "I shall certainly repair to Munich as soon as the Emperor of the French is there, to thank his Imperial Majesty for having so speedily rid me of my rascally guests (vilains hôtes), and to lay at his feet the assurances of my gratitude and admiration." The Elector was also greatly afraid that Prussia would declare herself against France, in consequence of the French army having marched across the territory of Anspach, and he wrote, earnestly deprecating such a collision. "I confess to you," he said, "I am very ill at ease on this point." And here we may take notice of the constantly recurring anxieties which trouble the peace of a sovereign of the second class when pressed between two contending great powers.

The most important incident connected with the opening of this celebrated campaign, was the capture of Ulm, and the thirty thousand Austrians which it contained. M. Otto had transmitted to the Emperor a plan of the new works constructed for the defence of that place, together with some valuable information respecting the garrison. These documents contributed so materially to the capitulation of the fortress, that it was jocularly said at the head-quarters of Napoleon, that it was the French minister at the court of Bavaria who had captured Ulm!

Prussia complained loudly, exactly as the Elector of Bavaria had anticipated, of the violation of his territory; but the rapid successes of Napoleon, his entry into Vienna, and the news of the battle of Austerlitz, left that power no time to put any of her threats in execution. The treaty of Presburg, which put an end to the war, amply made up to the Elector of Bavaria for the anxiety he had suffered; besides which, he gained possession of the Tyrol, and exchanged the title of Elector for that of King.

The marriage of the new King's eldest daughter, the Princess Augusta Amelia, with Prince Eugene, the adopted son of Napoleon, (on the 14th January 1806,) drew still closer the political alliance between the two governments. Napoleon, in fact, had been thinking of this marriage ever since the month of July 1804; but the Elector excused himself, on the pretence that his daughter was already betrothed to the electoral Prince of Baden. When the request was renewed, however, no difficulty was made,—for nothing could be denied to the victorious Napoleon! The Prince of Baden was accordingly sacrificed, and the young Princess was handed over to Eugene, who, upon that occasion, was made Viceroy of Italy. Meanwhile, the Prince of Baden was forced against his will to marry the Empress Josephine's daughter, the Princess Stéphanie Napoleon, whose charms, at a later period, won the attachment of her reluctant spouse.

Napoleon flattered himself, and not without reason, that this war would re-establish him in the favour of the capital. The battle of Austerlitz, and the peace of Presburg, obliterated all the complaints which had been raised against him.

On his way back to Paris, he stopped in the smaller States of Germany, and organized the Confederation of the Rhine, of which he made himself the chief—thus practically substituting himself in place of the Emperor of Germany, who had so long exercised an authority over the Germanic body. A great number of minor princes lost their sovereignty by these arrangements, and were reduced to the condition of subjects by the amalgamation of their petty principalities with the states of more potent authorities, into whose territories they were dovetailed. Mons. Otto, the minister of France at Munich, was adverse to the destruction of so many of these small states. Gratitude, he thought, and the necessity of looking somewhere for protection, would have attached these princes to France, and they would have been no less disposed to the Chief of the Confederation of the Rhine, than they had always been to the Emperor of Germany. Instead of this, however, these ex-princes carried the discontent to the Courts of Austria and Russia, where they obtained employment as ministers or as generals,—and Napoleon found in these men bitter personal enemies, who contributed in no trifling degree to his eventual downfall!

The following letters from the Emperor Napoleon were written to Mons. Otto, his minister at Munich, upon the first operations of the campaign of Austerlitz.

Letter from Strasburgh, of the 6th vendémiaire of the year 14 (28th September 1805).

M. Otto,

At length every thing here begins to get into shape; all my army is arrived, and is in march to reach the Necker. Your letters of the 3d vendémiaire (25th September) gave me pleasure. You have conducted yourself in this delicate business as I should have expected, and I shall take the first opportunity to express this to you publicly. If it is true that the Russians are advancing, perhaps it might be well that the Elector went to Kalkreuth; it is by manœuvres and marches that I hope to accomplish my object easily. Marshal Bernadotte is moving along with Marshal Marmont and the Bavarian troops, towards the Danube. All my army is concentrating with a view to this movement, and in a few days I shall myself be so situated as to direct its operations. I flatter myself that after the first battle I shall be able to reinstate the

Elector at Munich. I wish to know whether it is his intention to return there immediately. Send me, by an extraordinary courier, all the tolerably well authenticated news that you can procure from Vienna and Prague. Baden has long since made a treaty of alliance with us; a similar one ought to be signed with Wurtemberg and Hesse-Darmstadt. Send some extraordinary couriers to Berlin, when circumstances shall require it, to convey news of the army.

May God preserve you in his holy keeping.

(Signed) NAPOLEON.

Letter from Louidsbourg, of the 10th Vendémiaire of the year 14 (2d October 1805).

M. OTTO,

I send you my letters for MM. Duroc and Laforêt. It becomes of great importance that I should be informed of the movements of the enemy, on the left of the Danube. Send me therefore one or two couriers daily; you will direct your couriers to make for the advanced posts of the French. I am in full march; I am going to Stuttgard. I imagine that Marshal Bernadotte and General Marmont are already there. I hope soon to re-establish you at Munich.

May God, &c.

(Signed) NAPOLEON.

Another letter from Louidsbourg, of the 12th Vendémiaire, year 14 (4th October 1805).

M. OTTO,

I have received your letter of the 8th. The news you give me of the Russians is not sufficiently precise. I desired you to send some one to Tescher and to Olmutz, in order to learn exactly when they arrive, and to get the report of any one who may have seen them, a report which I have not yet received. I shall receive Baron Graveneuth with pleasure; and in consequence of what you say of him, I shall place confidence in him. We are in full march. I confidently hope that before the 15th vendémiaire (7th of October), I shall be able to reinstate the Elector at Munich; let me know whether he intends coming there, or who he wishes to make regent. The affair of Anspach can be no cause of quarrel with Prussia; in the first place, because I was not informed of it beforehand, and it signifies nothing that my general took upon him to act: secondly, because I had to follow the practices of the last war, during which Anspach was perpetually passed through. This is the view that you ought to take of it in speaking to the Prussian minister and the Elector. Two of the enemy's patroles have been cut off, by which we have made forty dragoons prisoners. Assure the Elector that I will not lay down arms until I have placed him in a situation to keep up an army of fifty thousand men, and to have no farther connexion with, nor dependence upon, the house of Austria. The Princes of Wirtemberg think that the Elector was wrong not to carry his complaints to Ratisbon, and even very strong ones. You will receive this courier on Friday or Saturday; I wish you to send him back in time for him to reach me before the 14th, in order that I may know what news there is where you are. It might be well that the Elector addressed a proclamation to his people, setting forth all the vexations that the house of Austria has made him suffer, &c.

From my imperial camp at Louidsbourg, the 12th vendémiaire, year 14 (4th October 1805), at eight o'clock in the morning.

(Signed) NAPOLEON.

Another letter, dated Louidsbourg, 13th Vendémiaire, year 14, (5th October 1805.)

M. OTTO,

The Elector's aide-de-camp has brought me your dispatch. It seems that more than six thousand men have remained at Wurtzbourg; that is too many. I am just setting off from Louidsbourg; I shall be at Vordlingen, in the Bavarian territories, to-morrow the 14th; my divisions of the army are making great marches. The Bavarian divisions and those of General Bernadotte and Marmont, are supported by Generals Ney and Soult. The 15th and 16th we shall all be between Donawerth and Ingolstadt; there never was before so large a body of troops encamped in so small a space. Why does not the Elector come and accompany us across the Danube, and be present at our entrance into his capital? For my own part, however, I do not attach the smallest importance to his doing so.

(Signed) NAPOLEON.

Letter from Donawerth, of the 16th Vendémiaire, year 14, (8th October 1805.)

M. OTTO,

Events at present follow each other rapidly; yesterday I passed the Danube and the Lech; I have ordered an attack to be made on Augsbourg and Aicha, where the troops should be at this moment; a body of ten thousand men, who retreated from the Danube to that position, might have been surrounded; twelve battalions of grenadiers have just been surrounded at Wertingen, between the Lech and the Danube,—artillery, colours, and the greatest part of the corps has been taken; (Napoleon adds-here in his own hand) : *and no more terms now!* (*et plus de compromis.*) Marshal Bernadotte and the Bavarians are to be at Ingolstadt to-morrow ; I am going behind Ulm. Every day becomes more and more interesting ; if the enemy commits any faults, the results may be fatal to him. Let General Duroc know this first success, send the news also to Berlin, and tell it likewise to the Elector, to whom I shall write as soon as I can inform him that his country is re-conquered, after a great battle, which must take place some day soon.

(Signed) NAPOLEON.

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Letter from Augsburgh, dated 19th Vendémiaire, year 14, (11th October 1805.)

M. OTTO,

I desired that you should be informed of the result of the fighting at Wertingen and Guntzbourg. Prince Ferdinand's army is entirely cut up, and Prince Murat, with a division of dragoons and the corps of Marshals Lannes and Ney, is pursuing him. All the outlets along the Lech are occupied by Marshal Soult ; Marshal Bernadotte was to enter Munich yesterday. I have been so civil to the Elector, as to make his Bavarian division enter first. As soon as I hear that the troops are in Munich, I shall write to the Elector to come there too; he had better, therefore, be making his preparations. I shall be all the better pleased if the seven or eight thousand men whom he kept at Wurtzbourg, come after him; they will serve to increase the army. Send an extraordinary courier to Berlin to General Duroc, and to M. Laforêt, in case General Duroc should be no longer there, that he may know the news; write also a long despatch to the general of division, Barbou, who commands in Hanover, to let him know all these particulars. Twenty thousand men of the Austrian army in Italy are directing their march upon Germany; my army is to attack the enemy to-morrow, and considering how much the Austrian army has been weakened, I am entitled to expect success. I only wait for positive tidings of the Russians before I march against them, in order to get quit of them as quickly as possible. I require horses; therefore let all that can be got be sent to Augsburgh, where I shall pay for them; let them be conveyed to Augsburgh, where I shall take as many good ones as can be procured. I do not know whether the fort of Pfozkeim is provisioned, and whether the Elector has put a garrison there. For God's sake (Par dieu!) take care that every precaution is attended to, to prevent this place from falling into the hands of the enemy; if it can but hold out for eight or ten days' blockading, I shall by that time come to its relief, and it would be very disadvantageous to me that that place should be taken.

(Signed) NAPOLEON.

Another letter from Augsburgh, dated 20th Vendémiaire year 14 (12th October 1805).

M. OTTO,

I send you merely two words in answer by your courier, for I am to set off in an hour for Burgau. The slowness with which the Bavarians march, and the dreadful weather have retarded General Bernadotte; his advanced guard was, yesterday, two leagues distant from Munich, and to-day was to go there: I have not heard whether it has done so.

You will find added to this a bulletin which will inform you of how things are going on. There will be a battle the day after to-morrow, the 22d, (14th October): I hope that the Austrian army will either be destroyed or taken prisoner, and that, before long, the Russian army will be in similar circumstances, always trusting in the help of God, who is the God of armies.*

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* On the 20th October (28th Vendémiaire) General Mack and thirty thousand Austrians, forming the garrison of Ulm, surrendered to Napoleon. See Alison's History, Vol. V. p. 412. *Trans.*

I do not wish the Elector to come until he hears from me. I know that his family are to accompany him, and I am too gallant to wish to expose those ladies: I shall write to him from the field of battle, on the evening of the 22d, what I think he ought to do. Let all this news be sent on to Berlin, and to the general who commands in Hanover. There never was any thing equal to the despondency of the Austrian army. The worst regiments of our rifles (chasseurs) attack in inferior numbers the great regiments of cuirassiers, and put them to flight; the infantry does not hold its ground any where.

(Signed) NAPOLEON.

*P.S.*—Inform the Elector that the Bavarian and French army entered Munich this morning at six o'clock; they have taken eight hundred prisoners. Marshal Bernadotte sends me word that he is actually on the way with a park of a hundred pieces of artillery. Prince Ferdinand was at Munich, so that he must have quitted his army of the Iller. The Austrians seem to be in extreme confusion. There will be plenty of news eight or ten days hence.

Letter from the Abbey of Echlingen of the 26th Vendémiaire, year 14 (18th October 1805).

M. Otto,

I send you a fresh bulletin, by which you will see that nothing could be more complete than our success. Tell the Elector not to make himself uneasy about Prince Ferdinand's retreat,—he left Ulm with 12,000 men, and now he has only 6000; in a few days I shall be at Munich. As soon as I know what Prince Murat and Marshal Lannes, whom I sent in pursuit of him, have done, I shall write to the Elector.

(Signed) Napoleon.

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Letter from Augsburgh, of the 1st Brumaire, year 14 (23d October 1805).

M. Otto,

I am writing to the Elector to come to Munich; if he wishes to see me, he must make no delay, for in a very few days I am going towards the Inn to try to cut off the Russian army, and to inflict all the evils of war on the hereditary states: I take it for granted that you have given regular news of the army to the general commanding in Hanover, and also to MM. Duroc and Laforêt.

I have had no news from Berlin for more than a fortnight, nor have I received any from M. Talleyrand: I imagine he fancied the road was not safe.

May God, &c.

From my imperial camp at Augsburgh, 1st Brumaire, year 14.

(Signed) NAPOLEON.

Another letter from Augsburgh, of the 2d Brumaire, year 14 (24th October 1805).

M. OTTO,

The courier who carries this letter to you will go on to Berlin. I suppose you have forwarded the news, according as you received it, through a safe channel, to the commander of my troops in Hanover. I do not think that the Prussians will have the audacity to try to drive my eagles out of Hanover—that could not be done without bloodshed. The French flag has never submitted to insult. I do not care about Hanover, but I value honour more than life; I shall be at Munich this evening. All the prisoners are now on their road to France.

(Signed) NAPOLEON.

## CHAPTER XII.

### INTERNAL POLITICS—CAMPAIGNS OF JENA AND WAGRAM.

The Emperor Napoleon employed the brief interval which elapsed between the campaigns of Austerlitz and Jena in trying to impress the internal government of France with more and more of a monarchical character, and in this view the old nobility were sought out and conciliated.

"It is amongst these men," said he, "that all the great fortunes may still be found, and through their wealth they exercise a degree of influence of which the government ought to enjoy some of the benefit. Can you form a court out of the men whom the Revolution has created? You will find amongst them only a few public functionaries very respectable but very poor, or a set of commissaries abundantly rich but without character. A set of pensioned courtiers would prove more burdensome to the state than dignified to the crown. The old fortunes, if they have been diminished by being divided, will be again augmented by succession, whereas the newly made fortunes follow a different course. They will have nothing to leave in this way, for they are swallowed up by poor relations. The government has no longer the power which it enjoyed formerly of enriching those who served its purposes, by the possessions of the crown, or by means of confiscated property, and, therefore, it must avail itself of ready made possessions."

Accordingly, any person of the class alluded to, who consented to accept employment, was put in office about the court, or in some public station. A great many marriages were made up between Napoleon's generals and the heiresses of the ancient nobility; and on these occasions the confiscated forests were restored to the old families.* On the other hand, such of the old families as kept aloof, and held the new dynasty in contempt, were exposed to all sorts of persecution. Even women were not exempt from this annoyance. One lady,† was was banished for having refused to accept a place at court; and another,‡ was sent away because she had returned a lieutenant's commission given to her son! In this way, partly by solicitation and bribes, and partly by fear, the court was presently filled with the old emigrants, at which the men of the Revolution took much offence, saying, that they, in their turn, would be obliged to emigrate. General officers complained that they were stopped at the entrance of the Emperor's apartments by Chamberlains who had fought in the ranks of the enemies of France; and in order to check these murmurs it was necessary to hang at their uniform also the chamberlain's key of office.

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* The first wife of Count Sebastiani, who is now the ambassador from France at the court of St. James's, was Mademoselle Coigny, daughter of the Duke de Coigny. Many other instances might be cited. *P.*

† The Duchess de Chevreuse.—*P.*

‡ The Duchess de St. Aignan.—*P.*

As these, and other petty difficulties attendant upon the internal administration of the court and country, teazed Napoleon excessively, and as his genius was far better suited to contend with the difficulties of war than to arrange the intrigues of peace, (les tracasseries de la paix), the interval between his campaigns was seldom long. Had it not been for the victory of Austerlitz, Prussia would have declared war against France; and Napoleon resolved to put it out of the power of that state to expose him to the same danger a second time. He took no steps, therefore, to conciliate Prussia; and the squabbles of the two cabinets went on more and more bitterly. At last war broke out, and a single battle (at Jena, 14th October 1806) placed the empire of Frederick the Great under the power of Napoleon. The Russians came up too late to rescue Prussia, just as they had done in the case of the Austrians at Austerlitz; and in like manner they now negociated, as formerly, at the expense of their ally. The king of Prussia, stripped of a considerable portion of his territory, adhered, as well as the Emperor of Russia, to the continental system, and agreed to exclude the commerce of England.

A peace of two years allowed breathing time for Germany; and happy would it have been for France, and happy, too, for Napoleon, if he had not resolved at this time to avenge himself on Spain, for her daring to show herself in 1806, as he had already visited Prussia with his displeasure for having presumed to menace him in 1805. His success, however, in the case of Spain was very different!

The entanglements of this most unfortunate war with Spain appeared to the Cabinet of Vienna a favourable moment to attempt to repair her previous disasters; and even so early as June 1808 an extraordinary levy of troops had been ordered. The threats of Napoleon, however, had the effect of countermanding this order. But in the month of April 1809 the chances appearing to have improved, the forces of Austria invaded both Bavaria and Italy, hoping to take Napoleon by surprise. With the swiftness of an eagle, however, he fled to Germany; and, putting himself at the head of the first troops he could lay his hands on, he at once attacked, with a few battalions, a vastly superior force of the enemy. The Austrians who had entered Bavaria on the 11th of April, were driven back on the 26th. Their invasion had not, as before, shaken the confidence of the King of Bavaria in the fortunes of Napoleon; and the Bavarian troops fought side by side with those of France in the Campaign of Wagram, as they had done on that of Jena.

The treaty of Vienna, dated the 14th October 1809, crushed Austria still more effectually, and forced her in turn to agree to the continental system. She had been a little too precipitate; but a few years of humiliation expiated her fault.

## CHAPTER XIII.

### MARRIAGE OF NAPOLEON WITH MARIA LOUISA—FRESH MISUNDERSTANDINGS BETWEEN THE TWO COUNTRIES.

The marriage between Napoleon and Maria Louisa sealed the peace between France and Austria. The betrothal (fiançailles) were signed at Paris on the 7th of February 1810, by the Ambassador of Austria, Prince Schwartzenberg, and the Duke de Cadore. The sketch of the contract was sent to the new minister of France at the Court of Vienna, that it might be drawn up in form, and then receive the signatures of the Archduke Charles and his father the Emperor of Austria.

The ambassador, Mons. Otto, who had represented France at the Court of Munich ever since 1803, and who had negociated the peace of Amiens, found no difficulty in obtaining the consent of the Austrians to all the terms of the contract of marriage, except one. The Emperor of Austria showed some scruples as to the validity of Napoleon's divorce from Josephine;

and as nothing in his eyes could do away with the consequences of the sacred benediction, it became necessary to prove to him that this sacrament had not been performed in the case of Napoleon's first marriage. As soon as he was satisfied on this point,* he signed the contract. This was on the 16th of February; and on the 27th the ratifications were interchanged between M. de Metternich and M. Otto, upon which occasion the Archduchess, the bride, expressed great joy. It was further arranged that the marriage should take place at Vienna by proxy; and the day was all settled with the Archbishop, on which he should pronounce his solemn benediction on this union.

Suddenly, this prelate, who, up to this moment had made no difficulty, changed his mind. He could not possibly consent, he declared, to bless this marriage, until there was placed under his own eyes the original sentence or decision of the diocese of Paris, by which the first marriage of Napoleon was declared null and void.

It was supposed that this difficulty had been raised by the Anti-French party, who were not less powerful there, than in the other courts of Germany. In Vienna, as elsewhere, they were supported by the royal family; for the Empress and the Archdukes looked with no pleasure to the marriage of an Archduchess with Napoleon. And such an event was deplored in certain coteries of Russian and Polish nobles, real or pretended secret agents of Russia, at whose houses private meetings were held, at which no friend of the French cause was admitted. It was there that the idea was concocted of breaking off the marriage by alarming the conscience of the Archbishop, whose great age rendered him open to all kinds of suggestions.

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* By the declaration of the clergy. *P.*

There could have been no sort of difficulty in transmitting the documents alluded to from Paris, excepting the delay which it caused, besides which there was reason to believe that these papers were required merely that some difficulty might be raised as to their contents, upon which a discussion should be grounded. The French minister adroitly extricated himself from this double difficulty, by persuading the Archbishop to rest satisfied with the documents as printed in the Moniteur, and with the following declaration drawn up for the purpose.

" I, the undersigned, ambassador of His Majesty the Emperor of the French, King of Italy, certify that I have seen and read the originals of the two decisions of the metropolitan diocese of Paris, relating to the marriage of their Majesties the Emperor and the Empress Josephine, and that those acts set forth that, agreeably to the ecclesiastical laws established in the French empire, the said marriage has been declared null and void, in consequence of the omission of the most essential formalities in the ceremony required by the laws of the church, and which, from all time, have been held as indispensable in giving validity to a catholic marriage in France.

"I further certify that, agreeably to the civil laws in force at the time, when the said marriage was celebrated, the principle of the conjugal union was, that any marriage might be dissolved whenever it was the wish of the parties to separate.

"In testimony of which I have signed the present declaration, and have set to it the seal bearing my own arms.

"Done at Vienna, this 3d March (1810)."

This declaration was not allowed to remain in the hands of the Archbishop, for fear that if it had come under the review of certain malevolent personages, it might have given occasion to inconvenient controversies. It may be mentioned that M. de Metternich also took great pains to quiet the scruples of the Archbishop.

The Prince of Neufchâtel (Marshal Berthier) arrived soon afterwards, as ambassador extraordinary from Napoleon, for the celebration of the marriage. Several thousand workmen were employed to throw a bridge, for his accommodation, over the ruins of those very ramparts which the French had blown up a few months before. He gave some brilliant fêtes, which the Austrian nobility attended with a feigned cordiality (avec un feint empressement); while the expression on the countenances of the Archdukes was one of sadness and anxiety.

The young Empress left Vienna on the 13th of March, as soon as the marriage had been celebrated. Her departure was viewed with so much sorrow by her family, that it might be seen they foresaw the melancholy fate which attended this union. Nor was the behaviour of the inhabitants less affecting when they took leave of the daughter of their sovereign. Her carriage, as it passed slowly through the streets, was followed by an immense crowd, who mingled their prayers and good wishes with the sound of the church bells and the discharge of cannon. The tricoloured flags displayed at the windows, and the martial French airs, played for the first time by the Austrian Imperial guard, were compliments paid, on her account, to her new country. A general discharge of artillery from the walls, announced that she had passed the bridge of Vienna. Her father, who had gone forward an hour before, waited for her at Lintz, and there finally took leave of his daughter. The route which the Empress was to follow, and all the arrangements of her household were drawn up by Napoleon himself; and it will be seen by the following letter to his ambassador at Vienna, how that extraordinary man, even when engaged in the most important affairs of the state, could descend to a consideration of the minutest details relating to the household of the palace.

MONSIEUR COUNT OTTO,

"Your courier of the 16th (February, 1810), arrived only to-day, the 25th, at six o'clock in the morning. It appears to have been detained at the passage of the Vosges. The Prince of Neufchâtel, who is all ready, will start at ten o'clock, with five or six aides-de-camp and three or four carriages; but he will make so much haste, that I trust he will reach Vienna on the 3d in the evening. The Duke de Cadore* will send you full powers to enable you to sign the convention such as has been required, for I have just read it, and I see no difficulty in your signing it. Nor is there any objection to the Archduchess being accompanied by a "dame de compagnie" during the journey. Indeed, I should prefer this to her having a maid servant. The Strasburgh telegraph having informed me at Rambouillet that your courier had passed through on the 22d instant, I sent off my aid-de-camp Lauriston, who must have arrived long ago. I send you this letter by the officer in waiting, in order to gain five or six hours on the courier which will be dispatched by the Duke de Cadore, who I shall see as soon as I get up. You must have everything in readiness, not only for the Prince of Neufchâtel's entry, but for his being presented; and spare no pains to render everything as magnificent as may be. We have here a list of the presents which the King (Louis XVI.) made to the Dauphiness (Marie Antoinette) on her reaching Strasburgh, and similar presents will be sent to the Princess at Braunau. The Prince of Neufchâtel takes with him no presents, for we have not found any record of such being given at Vienna. Nevertheless, if it be customary to do so, you will lose no time in acquainting the Prince of Neufchâtel with it, and providing him accordingly.

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* M. de Champagny, Minister of Foreign Affairs, and formerly an officer in the navy. *P.*

" I presume there is an error in the memorandum, in which it is stated that it is a brother of the Archduchess who is to be the proxy at the marriage. I do not think the Prince Royal is of age; but since M. Metternich wishes it to be so, the names are left blank in the letters now sent, and you will say to M. Metternich that the Emperor may name which of the Princes he pleases. If the age be of no consequence, I should wish that it should be that brother of the Archduchess who is eventually to be the Emperor. If his minority be an obstacle, I should like that Prince Charles be chosen; but you must bear in mind, that in the divided state of the family, I do not press this point. Enquire on the spot, and learn if there is any thing unsuitable in Prince Charles assuming the office in question. Should the nomination of Prince Charles, however, not be agreeable to the Emperor, he might perhaps name the Archduke Reinier. For the rest, the Emperor will do as he pleases, and I shall abide by his decision.

" You will find in the Moniteur enclosed, the arrangements of the Empress's household. I have not nominated any new ladies, although it is my purpose to appoint seven or eight about the age of the Empress, but not until she arrives in Paris. The Prince of Neufchâtel, after having performed his part of ambassador extraordinary, will repair to Braunau to receive the Princess.

" In a couple of days the maid of honour, the lady mistress of the robes, and four other ladies in attendance, the first gentleman usher, the principal equerry, and three other equerries, four chamberlains and four pages, with a groom of the chamber, and every thing requisite for attendance, will set out for Braunau, where the Princess will be consigned over, (où se fera la remise de la Princesse), and where they will arrive the 8th.

"I pray God to have you in his holy keeping.

"Dated at Paris the 25th February 1810. (Napoleon added with his own hand) *at 7 o'clock in the morning.*

(Signed) NAPOLEON."

Note added to the above letter.—On the household of the Empress.

The maid of honour is the Duchess of Montebello, a lady of twenty-nine years of age, highly respectable, and one whose name is dear to the Emperor, and equally so to France and to the army—besides which, she possesses an ample fortune, and keeps a noble establishment. The mistress of the robes is the Countess of Luçay, of thirty-six years of age, wife of the prefect of the palace.

The first gentleman usher and secretary is Count Beauharnais. This is not the same person who was a member of the Constituent Assembly. The first equerry is Prince Aldobrandini, brother of the Prince Borghese, who has a large fortune here. He is married to M. Larochefoucauld, who was at Vienna.

Letter in the hand-writing of the Duke de Frioul (Duroc) grand-marshal of the palace of Napoleon, to the French Ambassador at Vienna, relating to the arrangements for the marriage.

*Rambouillet*, *20th February* 1810.

M. le Comte,

The telegraph from Strasburgh announces that the treaty signed at Paris was ratified the 16th.

The Emperor will not receive your courier till to-morrow. The Prince de Neufchâtel will set off the morning of the 25th. General Lauriston goes to-day, and will take charge of this letter for you.

I have the honour to forward to your Excellency, annexed to this, the plan of the route, which his Majesty would wish to be followed, unless there are very strong objections to it. You will see that it is arranged in such a manner that there are five days allowed for accidental delays.

The letters which are expected from your Excellency to-morrow will explain about the marriage.

If there is no objection to it made at Vienna, the Prince de Neufchâtel will marry by proxy; if not, there will be a blank paper to be filled up for any one of the Princes of the imperial family that the Emperor of Austria may choose, as his Majesty is extremely anxious to avoid any thing that may not be agreeable to the Emperor. As soon as it is known by your letters what is the route that you propose, and of which this can only serve as a modification, the establishment intended for the service of the Empress will set out to wait for her at Braunau; it is to be composed of

A lady in waiting (dame d'honneur).
A mistress of the robes (dame d'atour).
A lord in waiting (chevalier d'honneur).
1 Principal equerry (1er ecuyer).
4 Ladies of the palace (4 dames du palais).
4 Chamberlains (4 chambellaus).
1 Almoner (bishop), (aumonier évêque).
1 Prefect of the palace (prefet du palais).
1 Master of the ceremonies.
2 Equerries.
1 Groom of the chambers (maréchal-des-logis).
1 Physician.
1 Surgeon.
General Lauriston will act as captain of the guard.

There shall also be sent, maitres d'hotels, cooks, valets de chambre, ladies' maids, women of the wardrobe and in waiting, every one, in short, that is necessary for the service of the Empress. A part of the wedding outfit (trousseau) shall also be sent to Braunau, in order that, from the moment she is consigned over, she may be dressed according to the

French fashion, and that she may appear thus dressed at Munich and at Stuttgard, so that she may appear there like an old empress (et qu'elle y soit comme une vieille impératrice). The Emperor will meet her Majesty between Compiègne and Soissons—he will carry her back to Compiègne, where she will sleep; and, according to etiquette, the Emperor will return to Paris. The following day, the Empress will come to St. Cloud, where she will remain with the Court till the moment of her marriage. The Emperor will visit her every day; but he will always return to sleep at Paris. The marriage will take place at the Tuileries.

I have thought it right to mention all these details to your Excellency, as they may interest you. I beg you will be kind enough to inform me, on your part, of every thing relating to the way in which the Empress has been accustomed to live, and her habits, as there is nothing the Emperor has so much at heart as that the Empress should have every thing she can possibly desire.

I remain your Excellency's obedient and humble servant. (Signed) LE DUC DE FRIOUL.

Note annexed to the letter.—The Prince de Neufchâtel will set off on the 25th of February, at two o'clock in the morning.

He will arrive the 4th of March at Vienna, and, as General Lauriston will already have prepared every thing, he will pay his visits the same day. He will make the proposal the 5th. The marriage will take place the 6th. The Princess will set off the 8th and sleep at Molk.

The 9th, at Lombach.

The 10th, Braunau.

The 11th, the same, for the consignment (pour la remise).

The 12th, Munich.

The 13th, ditto.

The 14th, Ulm.

The 15th, Stuttgard.

The 16th, ditto.

The 17th, Strasburgh.

The 18th, ditto.

The 19th, Nanci.

The 20th, ditto.

The 21st, Châlons.

The 22d, Soissons.

The 23d, Compiègne.

The 24th, St. Cloud.

The 25th, ditto.

The 26th, ditto.

The 27th, ditto.

The 28th, ditto.

The 29th, The marriage at Paris.

*Note.*—Mid-Lent (mi-carême) is Thursday the 29th of March.

Napoleon made an arrangement by which accounts were transmitted daily from the Empress to her father at Vienna, and after her arrival a constant intercourse was kept up by letters, as if the two families had been united by the closest friendship.

But at bottom no change had taken place either in the breasts of the people or in those of their monarchs. Scarcely had Maria Louisa quitted Vienna than the people appeared astonished that they had allowed her to go away. They congregated in the streets, and lamented the fate not only of the daughter but of the father. "She is sacrificed," they exclaimed, "to political interests; and God only knows to what harsh treatment she may be exposed. The only friend she was allowed to take with her is to be dismissed. What possible advantage can her unhappy father derive from such degradation? Is it not enough to have sacrificed the unfortunate Hofer, (the Tyrolese insurgent chief), who forfeited his life in defence of our cause; not to mention many other true friends of Austria who were given up to France in the provinces of Dalmatia and Illyria? Ought the Emperor to have sacrificed also his daughter? Much better would it have been to have persevered in the war than to have purchased a peace by such humiliating conditions. Every thing may be got over," said they, "but disgrace."

The meetings of the people, who were excited by these discourses, assumed such a dangerous aspect, that M. Metternich was obliged to disperse them by force. Some persons, who appeared to take a prominent share in these discussions, were arrested, and their examination gave reason to suppose that the movement had been instigated by the agency of England and Russia; but unquestionably it was caused in part by the feelings which the Austrian government had themselves roused and appealed to in the recent wars against the French. They had spoken to the people about independence, nationality, and freedom; and the people, not unnaturally, formed their opinions of the measures of government upon these principles. M. Metternich, amazed at this lively manifestation of public opinion, recommended to the French minister, when he told him the circumstance, that he should suggest to Napoleon not to press Austria too hard, lest the people should adopt the sentiments of the aristocracy, and declare themselves hostile to the French alliance. It is impossible, added M. Metternich, that the Emperor of Austria can persevere in a line of policy which is repugnant to all classes of his subjects. He would rather break with France altogether than give up a popularity which is not only most dear to him, but which has afforded him so much consolation in the midst of all his misfortunes.

M. Otto, of course, did not fail to communicate to Napoleon all that was going on, and advised him to adopt towards Austria a line of conduct calculated to sooth these dangerous irritations. This wise counsel was unfortunately but too little heeded. The newspapers of Paris were filled with the most offensive articles against persons of the highest consideration in the court of Vienna, particularly against Baldacci, who had formerly been one of the ministers, but who, from his hostility to the French alliance, had been put aside. These attacks, however, induced the Emperor to restore him to office, as he could not consent that it should seem he had abandoned a man to Napoleon's enmity, when the cause of that hatred was devotion to himself.

The Emperor felt still more deeply hurt by Napoleon's decree of the 6th of April, requiring every person, born in France, or in the countries conquered by France, and who were either employed or pensioned by Austria, instantly to return to France, upon pain of death and confiscation of their property. This decree was aimed at a great number of military officers as well as civilians in the service of Austria. Some of these persons had quitted France before the Revolution, with the king's consent, while others had established themselves in Austria at the period of the emigration. Napoleon even extended his decree to persons born in Belgium, and who had entered the service of Austria before that country had been united to France, and when the Emperor of Austria was their legitimate sovereign!

The treaty of Campo Formio, (17th October 1797,) which united Belgium to France, had formally guaranteed to these individuals the right of making their election between France and Austria; and they had chosen Austria. Nevertheless, it was declared that this right of choice was annulled by secret articles in subsequent treaties, which gave to France the right of recalling those officers born in the departments united to her. The Emperor of Austria was thus called upon to relinquish the services of many very distinguished men, employed not only in the army, but in the civil service of his country. He was likewise required to send back between five and six thousand soldiers, born in the departments which had been united to France, and dispersed through the different corps of the army.

This decree caused a shout of indignation at Vienna. "Behold!" cried the inhabitants, "the precious fruits of the family alliance! In a time of profound peace, Austria is required to do that which it would be unreasonable to demand of her even in time of war. The Emperor is to be forced to give up his most faithful counsellors, and to dismiss a host of men whose services are indispensable to him. These persons must abandon a country which has become their home, and relinquish employments which support them and their families, to return, against their will, to places in which they are strangers, and where they have no means of earning a livelihood! They will be reduced to the alternative of dying of hunger or of begging their bread from the very government which has brought these miseries upon them. Is this the manner to cherish a good understanding with a friendly nation?"

The severity of this decree did not press only on those persons who had been born within the limits of the French empire. The Princes of the Confederation of the Rhine zealously followed up the example of their chief. A great many of the Austrian functionaries, both civil and military, had been born in Bavaria or in Wirtemberg; and all these were ordered to return. Of this number were the prime minister, Mons. Metternich, and the commander-in-chief, Prince Schwartzenberg. In fact, measures were taken to arrest both of these statesmen on the territory of the Confederation, when the affairs of their government summoned them to France.

Napoleon was made aware, by his ambassador at Vienna, of the mischievous effect produced by these measures; but he had gone too far to retract; and he merely consented to make exceptions in particular cases. Those emigrants, for instance, who were pensioned in Austria, and who had no resource elsewhere, were authorised to remain where they were. The confiscation of Mons. Metternich and Prince Schwartzenberg's property in Wirtemberg and Bavaria was not put in force. The decree, in short, appeared to be forgotten; but as it was not repealed it hung over the heads of those who were included in its sentence; and its enactments were revived somewhat later against several Austrian officers, whom the events of the war placed in Napoleon's hands.

## CHAPTER XIV.

### LOUIS NAPOLEON DESERTS FROM THE THRONE OF HOLLAND.

In this eventful year, 1810, there came to Teplitz, in Bohemia, a fugitive king of a novel order, namely, Louis Napoleon, who, without being dethroned, had escaped from his royalty as if he had broken out of prison! He had never wished to be a monarch; indeed, his delicate health, and sombre temperament, (humeur melancholique,) made a private life far preferable to him. He had, therefore, with much reluctance, yielded to his brother's importunity, whose policy required this arrangement. As soon, however, as he was fairly on the throne, he set about making himself popular with the Dutch, and acted on the belief that his paramount duty was to attend to their interests. This did not suit Napoleon at all, who had not made his brother a king with any such view. According to him, the first duty of all the members of his family, whom he raised to the station of monarchs, was allegiance to him, Napoleon,—the second, subservience to the interests of France,—while those of their subjects followed only in the third order of obligations! In this spirit he wished to compel the King of Holland to enforce the "Continental system" in all its rigour, though it was quite irreconcilable with the wants and wishes of a commercial people.

Louis Napoleon, rather than carry these measures into execution, preferred abandoning his crown; and, accordingly, he set off for Teplitz, where he arrived with a single aid-de-camp, a medical gentleman, and three servants. From thence he immediately sent off the following letter to the French ambassador, at the court of Vienna:—

MONS. COUNT OTTO,

I have come to the baths of Teplitz, under the name of Saint Leu, that I may take care of my health, which has been much broken. I wish also to find an obscure retreat after the miseries I have endured. I have requested M. de Bourgoin to request the Emperor, my brother, to permit me to live in the neighbourhood of Dresden. But I should prefer greatly the southern part of Austria, on account of my health, if I might be allowed to reside there. In the meantime, and until this permission arrives, or that I learn my brother the Emperor's pleasure, to which I shall submit without hesitation, I propose to remain where I am. I have requested the Emperor of Austria's sanction for this, and also to my residing in any part of his dominions, provided the Emperor, my brother, consents to my doing so. Of this step I think it right and proper that I should inform you, and therefore I write you this letter, in order that, should you learn indirectly of my being here, you might be aware of my position. In the event of the Emperor, my brother, requiring that I should remove to some other spot, I have to request you will endeavour to arrange matters so that I may remain here at least till the middle of next month. I have commenced using the waters of this place; and it would put me to serious inconvenience if the course were interrupted.

Accept, Monsieur le Comte, the assurance of my consideration, and in anticipation, many thanks.

(Signed) LOUIS NAPOLEON.

*Teplitz*, 16*th July* 1810.

I beg you to address your reply to "M. de Saint-Leu, at the Baths of Teplitz."

The ambassador could do nothing but request the instructions of his government; but Napoleon no sooner heard of the flight of his brother, than, by a simple decree, he united Holland to his empire. To overcome the determination of his brother as to a place of residence was a more difficult affair, for Louis had declared that he would fix his abode neither in France, nor in any of the states governed by any of the members of his own family. This expatriation hurt Napoleon not a little ; for he naturally feared that he would be looked upon in Europe as a tyrant, from whose presence even his kinsmen were obliged to fly.

In the hopes of persuading his brother to think more favourably of himself and his family, Napoleon dispatched to Teplitz a young magistrate, of conciliatory manners, and for whom Louis had a great regard.* This gentleman, who has since played a considerable part in France, was instructed to tell the ex-king, that he would not be allowed to live in exile under a foreign prince, and that if he did not voluntarily return, either to France or to some one of the states under a member of the Napoleon family, every means would be taken to compel him to do so.

This mission failed completely. Neither entreaties nor threats could shake the resolution of King Louis, who remained at Teplitz till the end of the season for taking the waters ; after which he repaired to Marbourg, on the borders of Carinthia and Lower Styria, taking with him in his carriage his brother's envoy. His purpose was to try the raisin skin baths, (des bains de marc de raisins,) which had been recommended to him for the paralysis in one of his arms.

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* This was M. de Cazes, who was afterwards made a Duke by Louis XVIII. *P.*

Napoleon called upon the Austrian government to send back his brother; but when Louis was requested to retire, he paid no attention to the message, being well assured that force would not be employed. The French ambassador sent one of his secretaries to him, to persuade him to temporize and appear to submit voluntarily to the Emperor's orders. The prince gave for answer, "that he chose to discuss this matter only in direct communication with his brother, and not in a diplomatic manner: That the demand for his being delivered up, was merely a threat to intimidate him: That as he had decided upon not going to Naples, nor to any of the countries held by the members of his own family, he had expected to conciliate all parties by requesting an asylum in the territories of his brother-in-law: That France, of all the countries in which his family reigned, was the one which would be least disagreeable to him to reside in; but that he must have some guarantee that the Emperor would permit him to live at a distance from the Court, as a private individual, who should not be compelled to act the part of a French prince."

What a strange contest was this, in which we see a man struggling to evade those entreaties which so many others would have eagerly courted, and making the same efforts to escape from the power and the honours which most men would exert to obtain them! This rare example set by Louis Napoleon, assigns to him a very peculiar character in the history of his times.

In spite of all that could be said to him, he remained at a distance, and finally took up his quarters at Gratz, where he lived in the society of the professors of the Lyceum, and gave himself up to studious pursuits like a young man, particularly to the study of Latin. His mind, which was insensible to the love of power, was open to the vanity of authorship; and he requested permission of the Austrian government to publish a work which, however, he had not time to give to the public. It was believed that he had busied himself in preparing his memoirs. The events of 1814, which cast down Napoleon from his throne, found Louis living quietly at Gratz; and he might congratulate himself upon having made his election in favour of the obscurity of private life, rather than the fragile honours of greatness.

The political catastrophe alluded to, allowed him to reside in Italy, without risk of coming in disagreeable contact with the members of his family, or of being subjected to the annoyances of a rank in life which was repugnant to his tastes. He relinquished the cloudy sky of Germany for the brilliant atmosphere of Rome, which was more congenial to his health; but the acts of charity and kindness which had marked his stay at Gratz made his departure a source of general regret at that place.

# CHAPTER XV.

THE WAR WITH RUSSIA—THE CONCORDAT WITH THE POPE—THE CAMPAIGN OF DRESDEN—THE INVASION OF FRANCE.

When Napoleon became a father, the friends of peace fondly hoped that he would give himself up to the tranquil enjoyments of domestic life, and that he would avoid exposing the inheritance of his son to fresh hazards. But this proved a vain expectation—for the sentiments and motives which regulate the conduct of ordinary men are totally different from those which influence heroes and conquerors. So that we deceive ourselves when we anticipate what they might do by considering what we should do in their places. "Were I Alexander I would do so and so," said Ephestion. "And so would I were I Ephestion," replied the conqueror.

This new gift of fortune had quite a contrary effect on the mind of Napoleon from what was looked for. It merely increased the sort of superstitious confidence which he had in his own inexhaustible success, and in spite of the war still going on with England, and of the contest with Spain, which cost him so much trouble, he became only the more exacting towards other nations. For instance, he urged Austria to co-operate strenuously with him in his measures directed against the English commerce—requiring that such higher duties might be levied on the goods of that country as might amount to a prohibition. But as this would have deprived Austria of a considerable portion of her revenue derived from the custom-house, she eluded the demands of Napoleon as well as she could; and the ambassador of France had no small difficulty in persuading his master to relax his pretensions. The same requisitions, however, when addressed with still more urgency to Russia, brought about a most deplorable collision. The Emperor Alexander, acting under the fascinating influence of Napoleon's genius, had consented at Tilsit, against the wish of his ministers, to the prohibition against the commerce of England; but, in a very short time, the most lively complaints were made to him by the nobles of his empire. They showed how this system would put a stop to the exportation of all the products of their soil and the riches of their mines—and, since England was their only outlet, they would be ruined if their commerce were interrupted, and the revenue also, for, without that, they could not pay the taxes. Alexander, struck with the justice of these complaints, felt the necessity of relinquishing a measure of which he had not foreseen the consequences, and, accordingly, he desired his ministers not to enforce its rigorous execution. Napoleon, who was presently informed of the lax manner in which the prohibitive system was carried into effect, complaining bitterly of this infraction of the treaty, the observance of which was still more important to him in Russia than in Austria, in consequence of the Baltic trade and its numerous sea-ports.

Alexander justified himself by the plea of necessity, and even retorted that as Napoleon himself, by granting licences, equally departed from the stipulations alluded to, the Emperor of Russia had no idea of submitting to all the sacrifices of a treaty, while others appropriated to themselves all its advantages, especially as by so doing he would ruin his subjects gratuitously, and incur their reasonable ill-will.

Napoleon, unmoved by this reasoning, still insisted, and even threatened war in the event of noncompliance with his demands. Alexander replied, that he should prefer war with France than with his own people—and, in his turn, reproached Napoleon with the protracted occupation of Prussia by the French troops, and the annexation of the Hanstowns to France. It soon became apparent that, when once these recriminations were commenced, all hope of agreement was at an end.

Both parties, accordingly, prepared for war. Napoleon resolved to seek the enemy on his own ground, and to attack, in succession, corps after corps of that semi-European, semi-Asiatic power, of which he had invariably found the armies, posted behind the ranks of his other enemies. He naturally invited his father-in-law, the Emperor of Austria, to share with him the fortunes of this mighty contest. The Court of Vienna, indeed, would gladly have remained neuter; but, as this course would have exposed them to the vengeance of the conqueror—whichever it proved to be—they agreed to the proposed alliance with Napoleon, more in the hope of watching and restraining him, than with any sincere intention of assisting him. A treaty was concluded at Paris on the 17th February 1812, and ratified at Vienna on the 26th March, by which Austria agreed to furnish thirty thousand men, under the command of Prince Schwartzenberg, then ambassador from Austria at Paris.

Napoleon set out in the month of May to put himself at the head of the grand army, accompanied as far as Dresden by Maria Louisa, where they were joined by the Emperor of Austria. When

Napoleon left them, the Empress of the French and her father repaired to Prague, where the joint Courts were held for some time on the most cordial terms.

The war commenced under the most favourable auspices, and panting couriers arrived every day at Vienna with news of fresh successes, with which the Emperor of Austria and his minister affected to be highly delighted. These couriers, it may be remarked, merely passed through Vienna and went on, some to Milan, and some to Bucharest. It was, indeed, chiefly towards the east that Napoleon was anxious that his continued success should be known, in order to prevent the Porte from making peace with Russia. Meanwhile, negociations had actually been set on foot at Bucharest between the Russians and the Turks, and these negociations, though several times broken off, at length ended in a peace, which cruelly disappointed Napoleon, and was attended by the most disastrous consequences to him. One of its first consequences was to leave the Russian army of the Danube disposable and ready to be employed against him ; and, accordingly, these troops being brought by forced marches to act on his rear, greatly discomposed the whole plan of his operations.

This serious contre-temps was the forerunnner of our disasters. The unfruitful advances (les stériles progrès) of Napoleon into the heart of Russia, and his entrance into Moscow, failed to bring about a peace, which was the usual result of his victories. The burning of that capital by the hands of its own inhabitants, proved this to be a war of extermination, and showed but too clearly all the dangers by which the enterprise was surrounded. Napoleon would fain have retraced his steps, but it was too late. Winter—that formidable ally of Russia—came with its snows and ice to barricade the way. Our unfortunate soldiers, exposed to every kind of misery, strewed with their bones those vast plains which so lately they had marched over with songs of triumph. Happy would it have been for the renown of Napoleon if history could as truly have said of him, as of Charles V. after the misfortunes of his African expedition, that he expiated his fault, as far as he could, by sharing in the sufferings of his troops. In place of this, he re-crossed alone the countries which lay between him and France, and left the fragments of his army to make out their miserable retreat the best way they could without him! This was assuredly not caused by any want of courage on the part of Napoleon; but the truth is, it was incompatible with the impetuosity of his genius to carry on the war except when moving forwards. What he really dreaded was that the party opposed to him in Paris would take advantage of his absence, and, by availing themselves of the news of his disasters, wrest France out of his grasp. The conspiracy of Mallet, who, by merely spreading a report of his death, got temporary possession of Paris, necessarily augmented these apprehensions.

The Austrian auxiliary forces, which had contributed so little to our successes, proved no more useful in our distress. Their manœuvres appeared to have for their object the protection of the Austrian territory against any insult from Russia, rather than any diversion in favour of France. On the contrary, they kept aloof, evidently desirous to avoid coming to blows. When remonstrances on this point were made to the Austrian commander-in-chief, Prince Schwartzenberg, he replied, that as his troops fought in this war against their will, he thought it prudent to keep them out of the way of the Russians, lest they should imitate the example of the Prussian army, and go over to the enemy.

Those persons at Vienna who were hostilely disposed to France, were afraid at first to express the joy which our misfortunes caused them to feel, and which they supposed might be exaggerated. Napoleon, they were aware, had more than once proved that his genius could extricate him from situations of difficulty, and might he not, thought they, still halt in Poland, concentrate his forces, and start anew in a more fortunate campaign against Russia?

In such event, wretched would be the fate of those who should prematurely declare themselves against him! In this cautious spirit they restrained themselves for a time; but as soon as the whole truth was known—when it became certain that the grand army of Napoleon was destroyed, and that he himself had abandoned his troops to their fate, his enemies set no bounds to their exultation. The Emperor of Austria was besieged by solicitations to separate himself forthwith from a lost cause. "Why do you hesitate about declaring yourself against France? Napoleon has lost his army—beware of giving him time to get up another! It is he who is your enemy, not Russia. Recollect that he has twice invaded your capital, and stripped you of your fairest provinces.—Profit at once by the opportunity, which may never again present itself, of repairing your disasters.—Do even more,—prevent the recurrence of such evils by crushing the man who brought them about before, for you will never enjoy security as long as he exists! You silenced the feelings of a father in one instance, by giving him your daughter in marriage;—silence them a second time, and for a more useful end, by taking from your son-in-law the power which he has abused, and in acting thus, you will be the deliverer of Europe. More than fifty thousand Germans and Italians are waiting only for a signal from you to take up arms.

France also is worn out, and being quite tired of Napoleon,—every thing is matured for a change of government,—give, then, to that country, as well as to the rest of Europe, both peace and freedom!"

Such was the language of an aristocracy who little anticipated that, in casting down Napoleon, they were raising up a still more formidable enemy in the democratical spirit which he kept in subjection. But in political matters, men are always influenced by the immediate pressure; and, therefore, both the Emperor and his ministers listened willingly to these suggestions. The ambassador of France was distinctly told that Austria could not much longer persevere in an enterprise, the success of which was now obviously impossible, and that all she could do was to offer to act as a mediator between France and Russia; moreover, that she would use her endeavours to induce England to listen to terms of peace.

"I have no doubt," said the Emperor of Austria, "that Napoleon may still muster adequate resources to fit out another brilliant expedition against Russia. But what then? Suppose that he reaches St. Petersburg—in what respect will he be better off than when he reached Moscow? In fact, the protraction of this northern war can have no other effect than to teach the Russians how to invade Europe. Then, with respect to Napoleon's 'Continental System,' which prohibits the introduction of English goods, as nothing can be done that is effectual without the concurrence of Russia, Spain, and the Porte, the whole must be given up, since these powers refuse to co-operate. Of what use is it to persevere in partial prohibitions; for, although the English may sell a smaller quantity of goods, they will sell them at a higher rate, and the total value of the exports will be the same. So that, at last, these goods must and will find their way every where—even into France; because all the world, whether sellers or buyers, are interested in their introduction. The only difference between this method and that of a direct and legitimate commerce is, that the goods must be smuggled through Russia, Spain or Turkey, and the cost of transport across those countries is neither more nor less than a tax levied for their profit, at the expense of the consumers in other nations.

"It is true, that if England manufactures less, she will have more workmen than are required, and it has been vainly imagined that this redundance of hands would embarrass the government. But the very war which brought about this evil has supplied the remedy, by furnishing employment for these manufacturers in her army and navy! Besides which, England finds a compensation for the mischiefs of war on land, in the advantages of a commercial monopoly at sea,—while Russia might continue the struggle for a long time, when aided by seven millions sterling of annual subsidy from England. To Austria, England offers, in like manner, ten millions, if war be declared by her against Napoleon ; but I am resolved not to declare myself till the last extremity, and when it is made manifest that the Emperor of the French will not make peace on reasonable conditions."

In pursuance of these views, the Austrian cabinet sent M. Bubna to Paris expressly to offer their mediation, which Napoleon appeared disposed to accept. He consented to an Austrian envoy being sent to the Emperor of Russia at Wilna, and another to London. At the same time, he required that another ambassador should be sent from Vienna to Paris, to supply the place of Prince Schwartzenberg, who was with the army, and he naturally conceived that the absence of any diplomatic representative of Austria might be considered indicative of a coolness between the two courts.

The Count of Bellegarde and M. Stadion were proposed for this purpose, as the only disposable men, in their rank at least, of sufficient capacity in these difficult circumstances. Napoleon objected to the nomination of either of these statesmen, not only because they were both looked upon as enemies to France, but because the appointment as ambassador from Austria of a person with the French name of Bellegarde, might seem rather insulting, after the decree which recalled every Frenchman from foreign service. The fact of M. Bellegarde having been born in Saxony made no difference; and at last M. de Vincent was named—though born in Lorraine!

Napoleon desired his foreign minister to draw up a report on the state of public affairs, in order to its being communicated to the Senate, in support of a fresh demand of men to reinforce the army. But before this document was taken to the Senate, it was sent to the French ambassador at Vienna to be communicated to the Austrian cabinet. As soon as Metternich saw it, he exclaimed against the allusion to the mediation of Austria.

"By speaking of such a proposal," said he, "you take away from us all the merit of having originated the idea of this mediation; and our envoy, who ought to be strictly Austrian, will thus appear a French envoy. Who knows, indeed, whether England will not refuse to receive him on these terms, especially when it is recollected that England has never acknowledged Napoleon as Emperor at all! Avoid, therefore, I advise you," added M. Metternich, "saying one word of this mediation." This counsel was adopted; and the phrase in the report to the Senate, alluding to the mediation of Austria, was changed.

While Napoleon was pretending, by this trivial concession, that he was desirous of peace, he published, in the journals of Paris, the most virulent articles against the English government, in reply to the attacks launched against him by the London newspapers. M. Metternich complained warmly to the French ambassador of the injury which these articles would do to the negociations on foot for bringing about the peace.

"The language held by the English journals," judiciously observed Metternich, "ought to form no rule for those of Paris. In England, where the press is free by the constitution, and where even the government are exposed to its attacks, it is out of the question making the ministry responsible for the opinions which the papers are in the habit of expressing as to the proceedings of foreign cabinets. In France, on the contrary, nothing appears without the authority of government, or rather, every thing relating to politics which does appear is composed under its orders. While Napoleon, therefore, ought to despise the calumnies of the English papers, it is not to be supposed that the English government can look upon those of Paris with the same indifference, being fully authorised to look in them for the sentiments of the Emperor of the French."

All this, which was now urged by M. Metternich, had already been brought to Napoleon's notice by M. Otto, his ambassador at Vienna, but without producing any effect, as Napoleon refused to allow the force of a distinction which left him open to the attacks of his enemies, while it denied him the right of replying.

About this time it became known at Vienna that Napoleon had signed the celebrated *Concordat* with the Pope, a measure with which the Emperor of Austria was highly pleased.

" I advised the Emperor long ago," said he " to adopt this course. I even spoke to him of it during our interview at Dresden. Indeed," continued the Emperor of Austria, " religious notions have too much influence over the minds of mankind for us to neglect them. As for me, in order to make my authority duly respected, I am obliged to keep up two armies, one in white,* the other in black, and the priests serve my purpose when the soldiers can do nothing. My predecessor, Joseph II. vainly fancied he could dispense with the services of the clergy, and that he incurred no danger in alienating himself from them. Every one knows how ill this scheme turned out."

At the very moment when every one at Vienna was full of the *Concordat*, and thinking that it formed but the first step towards a general peace, an incident of a totally different character took place, which made a great noise. M. de Weissemberg, who had set out for England to offer the mediation of Austria, was arrested at Hamburgh by the commissary of the French police, and all his papers taken from him. It was pretended that he was taken for an English nobleman, Lord Walpole, but as his passport was regularly *visé* by the French ambassador at Vienna, his character as an envoy must have been perfectly well known. In fact, as this breach of the laws established amongst civilized people, was much too great to have been committed without authority, the Emperor of Austria felt deeply hurt at the outrage. He had no doubt that Napoleon wished to discover whether his mediation was sincere, or whether it was a mere cloak for collusion between England and Russia. He complained, therefore, bitterly, to the ambassador of France of this unwarrantable proceeding, and insisted upon the commissary being punished. The French ambassador, too, whose signature had been treated with so much disrespect, could not avoid seconding this appeal, or taking advantage of the opportunity of renewing his remonstrances on the expediency of making peace. At the same time, he announced to Napoleon that a general rising of the nations was in preparation against France, which ought, at all hazards, to be counteracted.

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* The Austrian military uniform is white. *Trans.*

The ambassador, for his pains, was forthwith recalled, and his place supplied by the Count de Narboune, a courtier, and one who, it was alleged, was more fitted than his predecessor M. Otto, by his manners, to gain the good graces of the Austrian aristocracy. On setting out for Vienna, he remarked, wittily enough, "that where the physician could do nothing more, the charlatan might be called in."

Whether doctor or quack, however, the new ambassador succeeded no better in changing the course of events; and the offer of mediation, which had been so coldly entertained by Napoleon, was no better received by Russia and England. The Russian and Prussian armies continued to advance, and Napoleon, who left Paris on the 15th April 1813, to oppose their progress, failed not to find ample resources in the bravery of his troops and in his own genius. The victories of Lutzen and Bautzen carried him on to Dresden. At that point the mediation of Austria was accepted by both parties, and it was agreed that a Congress should be assembled at Prague to discuss the terms of a general peace. The envoys of the different sovereigns repaired to the rendezvous; as the French minister, however, was not only a long time on his way, but arrived at length with insufficient powers, the Austrian cabinet felt persuaded that Napoleon merely wished to gain time in order to place himself in a position from whence he might triumph once more over his enemies—Austria inclusive. Accordingly, Austria declared herself against him, and Prince Schwartzenberg took command of the allied army. Napoleon, weakened by so many battles, could no longer resist this formidable coalition. The retreat from Dresden and Leipsic renewed the disasters of the retreat from Moscow. The allies passed the Rhine on the 1st of January 1814, and spread themselves like a torrent over the fair provinces of France. The nation, tired of war, and so long weighed down by absolute power, stood, almost without exception, inactive spectators of the struggle. Napoleon in vain employed his multifarous resources in the art of war to arrest his numerous enemies. In spite of all his exertions to block up the way which led to the capital with the fragments of his army, the allies arrived there before him. His throne was overturned, and France, occupied on every side by the hostile armies of Europe, expiated most bitterly the intoxication of twenty years of victory.

# PART SECOND.

## DISCUSSIONS IN THE COUNCIL OF STATE.

## CHAPTER XVI.

### ON THE LEGISLATIVE COUNCIL.

The deliberations which took place at different periods respecting the formation of the consular and the imperial government, gave Napoleon opportunities for exposing in the Council of State what were his ideas respecting the legislative authority. It would often happen that the proposal of a law or of a decree would offer an occasion for considering whether the topic were best suited to one or other of these views—that is, whether it should be declared a law of the land, or merely made imperative by an absolute decree. I shall here set down the doctrines expressed by Napoleon on these occasions, as to the part he intended the Legislative Council to take in these matters, and it will not be expected that the share was very liberal. He proposed to leave entirely in their hands the annual amount of taxes, and gave them the exclusive right of altering the laws in civil cases; but that nothing relating to the internal administration of the laws, or to foreign politics, should come within their jurisdiction. Indeed, it was manifest that in order to combine all parties and to put the whole nation in motion, as if it were a single individual, an extraordinary degree of power was necessary. Under the forms of government which were established after his downfall, it was impossible to carry on such measures as he undertook; and this became very apparent during the " hundred days," when his movements were embarrassed by the necessity of attending to those forms, which were no less repugnant to his character than unsuited to the exigencies of the times. They were, in fact, like a dress which fitted him so ill that he could not walk in it.

His invariable system was to contract as much as possible the functions of the legislative body, and to regulate by his own decrees a multitude of things which till then had been left to the legislature. The " Tribunat" could not denounce these infractions of the constitution, because it no longer existed,—the *Conservative* Senate preserved nothing,—the Legislative body dared not murmur,—and the Tribunals obeyed !

"There does not exist in the world," said he, on the 9th of January 1808, "a single constitution which is acted up to. Every thing is in a state of change. The government of England, for example, has fallen into the hands of forty or fifty great families, who found no difficulty in giving the law to the House of Brunswick, who were strangers in the land; but that cannot last. In France, things are not a whit more firmly established. A corporal might take possession of the government at the moment of any crisis, for the constitution does not give the government power enough; and whenever the government is feeble the army are the masters. It ought not, therefore, to be in the power of the legislature to check the march of government by stopping the supplies. The taxes, accordingly, when once fixed, ought to be collected by simple decrees, for it is absurd to suppose that in the interval between the sessions there shall not exist an authority to promulgate such laws as the circumstances of the period may require. The Court of Cassation considers my decrees as laws, and unless it were so, there would be no government at all in the country."

In penal matters, it was his wish that the laws should be short, and that an extensive latitude of application should be given to the government or to the judges—" because," said he, " while men have some bowels, the laws have none !"

In 1810, he availed himself of the complaints of the local authorities against the tardiness of the legislative enactments, to direct that all local matters which had been regulated by laws, should in future be regulated by decrees, which, however, were to be eventually sanctioned by a single law, embracing all the enactments authorised by these decrees. He took the same occasion to repeat his complaints of the embarrassment caused by the legislative council on the conduct of public business, and declared that this state of things could not last long.

The following opinions were expressed by Napoleon on the days under-mentioned.

### Sitting of the 1st December 1803.

" We must take care," said he, " not to tie up the hands of a new government by laws too much in detail ; for constitutions are the work of time, and too wide a way for improvements can never be left open. (On ne saurait laisser une trop large voie aux améliorations.)

" After a few years have elapsed, it may be possible, perhaps, to unite the Tribunat to the Legislative body, by vesting certain members of the legislative body with the tribunitian power.

“ The senate, which was too feebly constituted in principle, and required improvement, I have duly strengthened. If ever I shall have any reason to dread the power of the senate, I have nothing to do but throw in half a hundred young councillors of state ! (Il me suffirait d’y jeter une cinquantaine de jeunes conseilliers d’état.) Far, however, from their becoming formidable, the senate in a few years will be merely an assembly of old gentlemen, upwards of eighty years of age ! “ As for the other bodies in the state, none of them have adequate consistence—not one of them offer any guarantee against the nation becoming the prey of a colonel commanding four thousand men. In fact, the only institutions which afford any guarantee at this moment are the senate and electoral colleges.”

### Sitting of the 7th February 1804.

“ The fresh plots,” observed Napoleon, “ which have been discovered render it necessary that commissary generals of police be established at Lyons and other cities. It is quite a mistake to suppose that the intervention of the legislative body is required on this occasion ; on the contrary, I consider it quite out of their way to attend to matters of police ; taxation and the formation of general laws for civil affairs are their topics. A single session of a month or six weeks, once a year, is quite enough for these purposes. Every thing relating to executive business, public security, or police, is out of their beat; and so are politics, both internal and external. Indeed, the long residence of the deputies in the country unfits them for these matters.

"The government is no longer, as it used to be, an emanation of the legislative body, with which it has now only remote relations. The legislative body is the guardian of the public property; and, accordingly, their office is to see to the taxes. So long as they object to laws merely local, I shall let them pursue their own way; but if there should grow up amongst them such an opposition, as might become strong enough to clog the movements of government, I shall have recourse to the senate to prorogue them; or change them; or dissolve them; and, in case of need, I shall appeal to the nation which is behind all these. Various opinions will be expressed on this head, but I care not. Tomfoolery (la badauderie) is the characteristic of the nation ever since the days of the Gauls!"

At the Sitting of the 29th March 1806, he said; "I can see no inconvenience likely to arise from declaring the office of legislator compatible with those of a judge and a magistrate. I should even say it is of public utility that many members of the judicial class should have seats in the legislature, in order that the government might not promulgate laws inconsistent with the established jurisprudence, which can never vary.

" I have no desire that such a legislative body shall be got up, as shall require nothing at my hands; and care must be taken not to render it weaker than it now is, otherwise it might be unable to serve me. The legislative body ought to be composed of members who, after their time of service expires, should be able to maintain themselves on their fortunes, without having places given them. As things are now arranged, there are sixty legislators going out annually, whom one does not know what to do with; and such of these as have no places, carry all their ill humour down with them to the country!

" The men I should like to see in the legislature are old landed proprietors, who should be married, as it were, to the State by their family connexions, or by their profession, and thus be more or less attached to public life. These personages would come up to Paris once a year—would converse with the Emperor at his levee—and return home again perfectly satisfied with this little ray of glory shed on the monotony of their lives.

" It is of use that other public functionaries, besides those who may be reckoned upon for actual business, should be members of the legislative body.

As far as the good of the nation is concerned, the legislative body cannot be rendered too tractable; (On ne saurait, pour le bien d'une nation, rendre le corps législatif trop maniable,) because, if it should be strong enough to inspire any wish to govern, it would in the end either destroy the government, or be itself destroyed.

"Care must be taken, however, that the secretaries-general of the prefectures be not also deputies. Their situation is too subordinate a one, and their attributes unsanctioned by any law. To confound these secretaries-general with the sub-prefects, would be to introduce a sort of anarchy. A secretary-general ought to be as constantly in the prefecture, as the head of a division is fixed in his office to take care of the records.

"For the rest—this discussion must be adjourned until the session of the legislative body is over—in order that its proper deliberations be not interfered with by an attention to these extraneous matters.

## CHAPTER XVII.

### UPON PUBLIC INSTRUCTION, AND THE UNIVERSITY.

One of the objects which engaged a great share of Napoleon's attention, was the formation of a corps of teachers.

"There never will be a fixed political state of things in this country," said he, "till we have a corps of teachers instructed on established principles. So long as the people are not taught from their earliest years, whether they ought to be Republicans or Royalists, Christians or Infidels, the state cannot be properly called a nation, for it must rest on a foundation which is vague and uncertain, and it will be for ever exposed to disorders and fluctuations."

In 1806, he called upon Fourcroy, who was then director of the public instruction, to lay before him a plan on this subject. Fourcroy, as every one knows, was a distinguished chemist and a very skilful professor; but he was little able to seize or to follow up the political views of the Emperor. He begged to know, whether it was the wish of Napoleon to intrust the task of education to a religious association? The Emperor replied that such was not his intention.

"I cannot recognise," added he, "any necessary connexion between these two ideas. There will be no difficulty in forming a corps of teachers, if all principals, licensers, and professors look up to one or more chiefs, just as the Jesuits did to their general or provincial head; and if, moreover, it be made a regulation that no one shall be made principal of a college, without having first been a professor, nor a professor in the higher departments, without having served in the lower classes; in short, if their advancement be made a point of emulation. Such a body of men will acquire as much consistence as the Jesuits possessed, if it be established that a young man who distinguishes himself in the Lyceum, becomes a professor in his turn, and may reach in process of time, to the highest orders of the state.

"No man, who devotes himself to teaching, ought to be allowed to marry till he has succeeded in overcoming the first stages of his career. Marriage should be kept ahead of him, as a point to aim at, but which he cannot attain till he has proved his capacity to maintain himself and his family. By this limitation, indeed, we shall do no more than impose upon him those obligations which ought to be binding on all men."

By help of these instructions and many shews Fourcroy worked himself up to prepare something which suited the Emperor; but it did not succeed. No fewer than nine editions of this education scheme were submitted in succession to the Council, who busied themselves with it, under the superintendance of the Emperor, twice a week, from the month of February to the end of April 1806. The last edition appeared to be still defective, both in substance and in form. The question also was started, whether this plan of national education should be promulgated by a law or by a decree? The Emperor thought a decree the best; but several of the members required a law. Fourcroy wished to give it the imposing form of a special deliberation, (la solennité d'un senatus consulte.) In this dilemma, the Emperor decided the matter by directing a very short law to be passed, establishing merely the institution in question and its principle, but leaving the details of its organisation to another enactment. Accordingly, instead of Monsieur Fourcroy's 122 articles, the law of the 10th May 1806, consisting of only three, was passed. By this law an imperial university was established, the members of which incurred certain special and temporary obligations, but all the organisation of which was to be submitted to the legislative body in the session of 1810.

It has been seen by the observations of Napoleon, which have already been given, what were his general principles on this subject. His more matured views will be seen in the decrees respecting the organisation of the university, dated 17th March 1808, and 15th November 1811; for it was by decrees, and not by laws as had been agreed upon in 1806, that he established these things. Immediately after the discussions in the Council of State in 1806, above alluded to, were over, the Emperor and Fourcroy went over together the whole of the nine editions of the project, which had been submitted to the Council, and he then dictated from these a new or revised edition. This was again brought before the Council of State in the month of May, when it underwent a great number of amendments, and was not finally adopted till the 4th of July 1806. But as the war with Prussia broke out about that time, Napoleon had no leisure to give it a final examination, or even to give his sanction to it; so the scheme remained in a rough state. In truth, as Napoleon left himself but brief intervals of peace to attend to any such internal business, it often happened that he was interrupted in his work. For example, he was occupied about the creation of his university, just after the campaign of Austerlitz, but it was thrown back by that of Jena, which followed before he had time to finish its organisation.

The discussions were resumed in February 1808, after Napoleon's return from Jena and Tilsit. Fourcroy had employed the interval in arranging and methodising the points agreed upon in 1806. But when the decree of the 17th March 1808 came out, it was easy to discover that the Emperor had made many alterations on the edition which had been adopted in Council, and as some of these changes are curious, especially those which show what his system was in relation to the clergy, one or two of them may prove interesting.

The 3d article enacted, that no establishment for instruction was to be formed beyond the walls of the university, and without the sanction of its head or principal. Napoleon added a sentence which "*exempted the seminaries, and left them under the sole direction of the bishops.*"*

The 7th article vested, for the first time, the nomination of the deans, and of the professors of theology, in the grand master, who was to choose them according to their merit. The Emperor's decree, however, required the grand master *to make his se-*

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* These "seminaires" were houses managed by the clergy for the purpose of educating young persons destined for the church. *P.*

*lection from amongst the candidates presented by the bishops.*

The 38th article enumerates the bases of the instruction to be given in the university, and, in the first paragraph, the precepts of the *Christian* religion are spoken of. Napoleon took his pen and substituted in the decree the word *Catholic* religion.

In the 2d paragraph, he erased the sentence which specified as one of the bases of instruction *the maxims and rights* (libertés) *of the Gallican church;* and also the paragraph which spoke of the *maxims upon which the organic laws of worship are founded.* And, in place of these two expunged sentences, he wrote as follows:—

" *Every professor of theology shall be required to adhere to the terms of the edict of* 1682, *relating to the four propositions contained in the declaration of the clergy of France at the above period.**

We thus perceive how laborious was the task of getting up the university, which has since been the object of so much complaint, not only by the clergy, whose influence over education it cramped, but by the liberal opposition, who thought it shackled liberty.

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* The declaration above alluded to maintains that, in temporal matters, sovereigns are to be considered independent of ecclesiastical authority—and that, in spiritual matters, even the authority of the Pope is subordinate to that of the Councils. *P.*

The fiscal portion of this measure, established by the decree of the 17th September 1808, has been the object of especial attack; and yet it is due to Napoleon to say, that on that occasion he was less financially disposed than his councillors. The projected law established fees in the primary schools. The Emperor opposed this, and required that these should be free schools. M. de Fontanes, who was named the grand master, remonstrated in vain, and showed that this would cause an annual loss of 200,000 francs (about £8000); and the primary schools accordingly were exempted in the decree.

During the following year* the jurisdiction of the university over its members was discussed. The Minister of Public Instruction presented a proposal, upon which a report was made by the interior and legislative sections jointly. M. de Fontanes was first heard, and he proposed that the new university should enjoy all the extravagant privileges belonging to the old institution. He wished that the members of the university should be allowed authority in all cases, not only over their own body, but over some persons who did not belong to it. Even the officers of the judicial or civil police were not to be allowed to enter one of these establishments, except at the requisition of the Principal or the Rector!

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* 1807. *P.*

The Emperor looked upon these claims as totally unreasonable. "Their adoption," said he, "would be to throw a veil over the statue of the laws."

He wished to vest in the heads of the colleges the power of deciding only in those cases connected with the internal discipline, just as those officers who are placed in charge of military schools decide in similar cases. Accordingly the decree of the 17th of March on the university, gave them jurisdiction merely in matters of discipline. An able lawgiver, and a member of the Council, objected to this limitation on the authority of the university, and said, that if for certain moral offences committed in the university, its members were to be dragged before the ordinary tribunals, the dignity of the institution would be exposed to many severe shocks. This gentleman, however, was a member of the university council, while others, who were also familiar with these topics, spoke strongly in favour of the common rights of society, observing that the privileges alluded to, as having been enjoyed by the old university, were merely parts of a general system, in which the priests, lawyers, and others, also possessed exclusive rights, which they had been obliged to give up.

At last it was agreed to bring the police jurisdiction of the university within much more contracted limits; and, indeed, Napoleon, in a subsequent discussion, on the 1st of July 1809, had occasion to mention the seminaries or establishments for the education of the clergy, of whom he then spoke in far less cordial terms than he had done before.

He had been told that about forty of the smaller seminaries had been established, the revenues from which were collected by the Bishops, and that this circumstance rendered it more difficult to gather those contributions which belonged to the State.

" It is my wish," said he, " that the smaller seminaries, which are merely secondary schools like the rest, should be under the superintendance of the university. The great seminaries are exempted, solely because they are essentially theological schools; and I do not choose that the priests should meddle at all with education."

At the meeting of the 29th May 1804, Napoleon said, " The minister of public worship must determine what classical works shall be placed in the hands of the young men; and I desire that he will print a small volume for each class, containing passages selected from ancient as well as modern writers, and which shall have a tendency to inspire the rising generation with opinions in conformity with the principles of the new empire."

At the sitting of the 20th February 1806, he spoke as follows:

" I wish to create such an establishment for public instruction as may prove a nursery for professors, rectors, and teachers generally, and that they shall be stimulated by high motives. The young men who devote themselves to the cause of education, ought to have distinctly before them the prospect of rising to the highest offices in the state. The base of this great system of education will rest on the college, its superstructure may be found in the senate. But, in order to effect this, the principle of celibacy must be established, at least so far as to make it imperative on the masters not to marry before five and twenty or thirty, nor before they shall have come into the receipt of thirty or forty thousand francs (£1200 or £1600) a-year, and have acquired economical habits. This, indeed, is no more than insisting upon the observance of that foresight and prudence in respect to marriage, which ought to prevail in every walk of life.

" I am aware that the suppression of the Jesuits has left a great void in these matters of education; but it is not my intention to re-establish them, nor to raise up any other corporation which may be influenced by external authority; but I feel called upon to organise a system of education for the new generation, such, that both political and moral opinions may be duly regulated thereby.

"In this view I consider it essential that the celibacy of the teachers should be indispensable, but only up to a certain age,—not absolute celibacy, for I hold marriage to be unquestionably the most perfect part of the social compact."

At the sitting of the 1st of March 1806, he made the following remarks:

"My desire is to establish an order, not of Jesuits whose head resides at Rome, but of Jesuits whose sole ambition shall be to make themselves useful, and who shall have no interest separated from that of the public.

"This body must have privileges which may prevent their being too dependent either on the ministers, or on the Emperor; for example, they ought to be senators by birth, and they should have authority and consequence enough to give them weight in society, while only the most important regulations should require the sanction of the Emperor.

"There ought to be two distinct classes of masters,—one who should teach the pupils, another who should govern them; for these matters require very different talents.

"It is my wish," he continued, "to create in France a civil order in society. Heretofore there have existed in the world only two orders—the

Military and the Ecclesiastical. The barbarians who overwhelmed the Roman empire, had it not in their power to form solid establishments, because they had neither an order of priests, nor an order of civilians. The Romans had only the military order. Constantine I., indeed, established, through the medium of the priests, a kind of civil order; and Clovis founded the French monarchy by the same means, without which he could not have sustained himself against the Goths. The Prussian monarchy is the most military in Europe, because the Roman Catholic priests have been excluded from it. The monks are the natural enemies of the soldiers, and they have more than once served as a barrier against them. Julian became an apostate, because, at the time he was governor of Gaul, the Emperor of Constantinople, who was afraid of him, invariably placed the civil order, of which the priests were the chiefs, in opposition to him. The monks, I suspect, are not so useless as people have believed them to be in our days. The civil order will be strengthened by the creation of a body of teachers, and still more would it be fortified by a large body of magistrates. The presidents of the higher tribunals ought to be eminent persons. The charms which belong to great authority and high consideration in society, will counteract that philosophical repugnance which, in some countries, men of easy fortunes feel for office; and where, in consequence, the government falls into the hands of blockheads and intriguers. This is not yet the case in France, it is true, where all the world is eager for place, especially since the senate was established---but it is the case in Austria.

"I do not think we need trouble ourselves with any plan of instruction for young females; they cannot be better brought up than by their mothers. Public education is not suitable for them, because they are never called upon to act in public. Manners are all in all to them, and marriage is all they look to. In times past the monastic life was open to the women; they espoused God, and though society gained little by that alliance, the parents gained by pocketing the dower. All that, however, is now changed!"

At the sitting of the 11th March 1806, he made the following observations on these topics:—"In framing the body of instructors, we must imitate the subordination observed in military ranks. I wish above all things to establish a corporate body of teachers, because a corporation never dies. The military school at Fontainbleau goes on capitally at the moment, because there is a good governor at its head; but this prosperity is merely transient. People need not be afraid that I shall re-establish the monks. I should not succeed even if I wished it, especially if I required of them a life of celibacy at the age of twenty-one! Even in M. de Choiseul's time, the monks could not muster recruits, although his decree held out many advantages to them. His religious establishments for instruction were not in fact instituted in that view, but on the principle of renouncing the world, in order to obtain the distinction which belonged to this sacrifice.*

"The monks were the Pope's militia, who owned no other sovereign, and consequently they were more to be dreaded than the secular clergy, who, but for the monks, would never have caused any embarrassment.

"Every one knows the scandalous excesses which were carried on by the monks; and I can myself form a good estimate on that subject, as I was for some time brought up by them.† I respect all which religion respects; but as a statesman, I cannot esteem the fanaticism of celibacy, which was a mere device adopted by the court of Rome for rivetting the chains of Europe, by preventing the religious orders from becoming citizens. The military fanaticism is the only one which is of any use to me, as it makes men indifferent to death.

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* The Duke de Choiseul, when minister of Louis XV., issued an edict in favour of establishments for education, (des congrégations enseignantes). *P.*

† At the school of Brienne, which was under the management of priests. *P.*

" After all, my chief object in establishing a body of instructors is, that I may possess the means of directing the political and moral opinions of the community. Such an institution will prove a guarantee against the re-establishment of the monks, and I shall hear no more on that subject; but if the institution I speak of be not formed, the monks will be back upon us some day. For my part, I should certainly prefer trusting the public education to a religious order, than to leave it as it is at present: but I wish to have neither."

At the sitting of the 20th March 1806, he remarked:—

" It strikes me, that the corps of instructors may consist of about ten thousand persons, and it seems essential that the members of the university—since that is to be its name—shall have the exclusive right of teaching, and that they shall be sworn in.

Eight hundred thousand, or a million of francs, (L.30,000 or L.40,000), will be sufficient to cover the expenses of the proposed corporation. We must take care that the young men be not brought up either too bigoted or too sceptical; they ought, in short, to conform to the state of the nation and of society. It is worthy of remark, that education, at its commencement, has always been connected with religious notions.

" My habitual reading," continued Napoleon, "on going to bed, is that of the old chronicles of the 3d, 4th, 5th, and 6th centuries. I either read them myself, or have them translated for me. Nothing is more curious, or less known, than the step from ancient to modern manners, and the transition from the old states to the new ones founded on their ruins. We take upon us to suppose, for example, that the ancient Gauls were barbarians; but this is a great mistake, for *they* were the real barbarians who carried barbarism amongst them. In the western countries of Europe, the government has taken but little charge of education, particularly since the establishment of the Christian religion, because it was confided to the clergy; and it was enough for the government to be aware of the spirit which animated the clergy, in order to ascertain that which regulated the education of the country. With the governments, however, of the eastern nations of Europe it was quite the reverse, especially before the introduction of Christianity. The laws of Lycurgus, for instance, compelled all the young men to dine at the same table. But such laws, though good for a poor and petty town, have nothing in common with those required by a great nation. I know there will be a multitude of silly jests sported upon the new university, which will at first be greatly found fault with; then it will be discovered to be less bad than it was thought to be, after which it will become the admiration of France, and perhaps also of Europe.*

"I know very well that in the first instance, the composition of this establishment cannot be so good as we could wish, because no one can be thrust out of his place on a sudden. This delicacy will for a time keep together things which are heterogeneous and imperfect; but in due time the body will work itself pure; and above all, we must get rid of men whose habits are not virtuous. If the old kings of France busied themselves but little with the national education, is that any reason why their example should be followed?—especially as I have an ambition to manage things better than they did! When they emerged from the foggy atmosphere of ignorance, in company with the ecclesiastical body, and they found the elements of public instruction already organised, they were obliged to leave that parallel force in action. We, on the contrary, may consider the matter as if nothing existed before, and as if every thing were to be organised anew. It is impossible, indeed, to remain long in the present state of things, since every one may now set up a shop for education, as he would a shop for broad cloth.*

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* The university founded by Napoleon exists to this time, (1837), and is still regulated by his decrees. It is under the direction of the minister of Public Instruction, instead of being governed by an independent Grand Master. Under the general name of the University are included all the colleges, schools, and faculties, and, generally, all the establishments for education in France. *P.*

"My wish is, that the members of this great education corps shall contract, not as formerly, a religious engagement, but a civil one, solemnly and before a notary, or justice of the peace, or prefect, or any other properly qualified functionary. I would require them to bind themselves to the service of education for three, six, or nine years, without the power of retiring from it, unless upon giving a certain number of years' warning. They should be espoused, as it were, to the cause of education, just as their predecessors were espoused to the church; with this difference, that their marriage need not be so sacred, nor so indissoluble. At the same time, I am of opinion that some solemnity ought to be observed on taking these vows;—calling it, of course, by some other name."

The Emperor pursued the same topic at the sitting of the 7th April 1807, as follows:—

"A great prince, it is said, has a thousand ways of imparting to the institutions of his country the character he pleases, and I shall be glad if every member of the Legislative Council now present, will conceive himself placed in the situation of the great prince alluded to, and will favour me with his ideas as to the best mode of securing the due unity of purpose in the Education Corps. For my part, I know but two methods of binding such a body together; that is to say, either by heavenly or by terrestrial bonds, and between these the election must be made. Custom and prescription go a long way, but even these without money will not suffice. This is so true, that I can set up a religious corporation when I please, by appropriating sixty millions of income towards its support, (about two millions and a half sterling). Fortune has invariably the first claim to consideration. The monks were never respected, and had never any power till they came into the receipt of large revenues. The head of a convent which possessed thirty thousand francs (L.1200 sterling) of income, enjoyed exactly as much consideration in society, as a layman of the same amount of fortune. Because, as he had the management of the funds of the convent, he exercised the very same authority over the farmers, the lawyers, the doctors, and others who were interested, as the landed proprietor of the same income. Thus it would seem, that money is the true bond of union of every corporation. And thence we discover that all these pretended celestial bonds are but earthly ties after all! But we must not over estimate the resources of power; for a great prince—be he ever so great—has only human means to work with, and in this case we must make our choice between a religious and a civil body.

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* An excellent article on the State of Education in France, will be found in Blackwood's Magazine, for November 1836.—*Trans.*

"It seems to me that the specific and the private schools ought all to be united, and brought under the cognizance of the education corps, which body ought to be so constituted, as to have under its eye every child from the age of nine years. The professors will be dispersed over the empire as they may be required, and care must be taken to establish the strictest discipline, even over the professors, who in certain cases must be put under arrest; nor will they suffer more in public estimation on that account than colonels, who are liable to a similar punishment. I lately placed Prince Louis under arrest for three days, in consequence of a regiment having come too late on parade; there is no dishonour in it at all."

At the sitting of the 21st of May 1806, Napoleon spoke as follows:—"It is alleged that the primary schools, kept by *les frères ignorantins*,* might impart a dangerous spirit to the university; and it is proposed not to include those within the jurisdiction of the university, or of the schools on the left bank of the Rhine, which are dependent on the Protestant ecclesiastical courts. I cannot comprehend the fanatical spirit with which some people pursue these *frères ignorantins*, which is merely a prejudice. On every side I am called upon to re-establish these persons, and the general appeal is demonstrative of their utility.

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* The order called the Brothers of the Christian Doctrine, (les Frères de la Doctrine Chrétienne), and vulgarly called *Les Frères Ignorantins*, are a religious congregation of men, who, under a temporary vow, devote themselves exclusively to the business of elementary instruction. A great many of the primary schools of France are under the management of these persons. *P.*

" As to the Protestant schools, they must submit to the common lot; but, in order to enable them to become members of the civil body, they shall not be exposed to the religious part of the jurisdiction. Undoubtedly, the least the Catholics can require is equality; for thirty millions of men are surely entitled to as much consideration as three millions. It is quite ridiculous to find so many philosophers praising the toleration of England, since they are the only nation which does not recognise the principles of toleration. In fact, the government of that country prefers maintaining an army of 60,000 men in Ireland, to allowing the inhabitants of that island to enjoy their most legitimate rights! The Dutch, too, are extremely intolerant of the Catholics: they have succeeded in driving them entirely from office, and the thing which annoys them most in the political arrangements now in progress for them, is the idea that I shall give them a Catholic King.

" I am well aware that much distrust of the priests was felt during the Revolution, because they were discontented; but the government having since conciliated them by care and by favours, they ought to be differently treated. The Catholic priests behave extremely well, and are of great use. They were the means last year of making the conscription work much better than on the preceding years. Not only are manners improved, but repose and tranquillity have been re-established by their influence, and there is not a body of men in the state who speak so well of the government as they do. I have just given them a proof of my satisfaction, by calling the Archbishops of Tours and of Toulouse to the senate.

" It is asserted as an evidence of the influence of the *frères ignorantins* having always been held in dread, that by their vow, their knowledge is limited to reading, writing, and arithmetic. But to allege this as a proof is mere childishness; for the interdict could have had no other object but to keep them to their proper occupation. Neither am I more disturbed by the fears of some, that a priest may one day be at the head of the office of public instruction. Suppose it were so, what harm? seeing that his agents would not be priests. This office of grand master will not be the second in the empire, as it has been supposed; and those persons who suggest that the *frères ignorantins* should be excluded from the university, do not perceive that they are acting against their own purpose,—for it is by making this order of men a part of the university, that they may be again united to the civil community,—and all danger arising from their independence be prevented. The question is not, whether they shall or shall not be established; for the fact is, they do already exist in spite of the government; and my conclusion from this is, that it is wise to acknowledge them, and that they will cease to be dangerous, from the moment they are left without a foreign or unknown chief.

"With respect to the degrees given by the university, that of doctor ought not to be too readily bestowed. The candidate ought to be examined on the most difficult subjects,—for example, on the comparison of languages,—and it would not be amiss were they required to converse in Latin for an hour and a half. It is by no means necessary that all the world should be rendered eligible for a doctor's degree. Nor do I approve of the condition which requires that a bachelor of medicine should first take a scientific degree; for medicine is not a positive and exact science, but one of observation and conjectures. For my part, I should have more confidence in a doctor who had not studied the exact sciences, than in him who was acquainted with them. I preferred M. Corvisart to M. Hallé, because M. Hallé belongs to the Institute, whereas M. Corvisart does not know what is meant by two triangles being equal to one another! The student of medicine ought not to be disturbed in his visits to the hospital or dissecting-room, or in his medical studies. Anatomy, though it be the least uncertain branch of the art, is still enveloped in darkness. We know neither why we live nor how we live, nor what the living principle is. To require, therefore, that a young man shall be versed in knowledge of such different kinds, before he can enter upon his profession, is to risk losing the public services of the great men whom such a profession might turn out. For, by a strange caprice in the structure of the human mind, it may well happen that a man may be a great physician or a great jurist, who could never work a sum in compound division!

"There must also be some change in the authority which it is proposed to give to the university over publications. They must not have power to suppress any work beyond their own walk. Their rights in this matter must be limited to their being answerable for the books in the catalogue of the university, and to their power of punishing those professors who offend in this respect. These precautions will be sufficient to prevent the young men being infected by a thousand errors, or thrown into scientific or literary heresies. The tides, for example, must not be learned of M. Bernardin de Saint Pierre, whose system betrays the grossest ignorance of such matters, and even shows that he knows nothing of the simplest elements of geometry. This author, indeed, ought to have been expelled from the Institute, for having meddled with the harmonies of nature, and a thousand other things of which he knew nothing. I do not mean, however, to say, that he is not an amiable man and a good writer. His Paul and Virginia, and his Indian Hut, are remarkable works, for which he has received a pension of six thousand francs (£240).

" I am also opposed to the publication of the late works of M. Delalande. I should certainly not have interfered with it, had he only preached atheism, without compromising any one. For the rest, he has paid no attention to the prohibition, and goes on printing !" (A laugh.)

# CHAPTER XVIII.

## ON THE ADMINISTRATION OF JUSTICE—ON THE COUNCIL OF STATE—ON PRISONS AND ON MARITIME TRIBUNALS.

*On the Courts of Assize.*—The Courts of Assize, over which the councillors of the Royal Court presided, were only organised by the code of criminal instruction in 1808, up to which time the judges were fixed. It is evident, however, from some observations of Napoleon's in 1804, which are given further on, when a project was on foot for remodelling the judicial organisation, that he cherished the notion of instituting circuit judges, who, starting from a centre, should traverse the departments to administer justice. He had reason to believe, that on various occasions, particularly in political causes, that the local judges were biassed by the influences belonging to the spot. He conceived that a judge who should come from another quarter, to decide the causes brought before him, and who should go away immediately after pronouncing his judgment, would be more independent. He thought, also, that the government would by this means exercise a just share of influence in these matters, by possessing the right of sending one judge rather than another, according to the nature of the case. He had evidently formed this idea from what takes place in England. A certain number of judges were to reside in the capital, from whence they were to be sent, periodically, in various directions. This scheme was never realised ; for it was conceived, and with reason, that France was too extensive to admit of being assimilated in this respect to England. The extent of jurisdiction embraced by each of the royal courts, appeared to include an adequate space, and every court formed a centre from which the presidents of the assizes went forth to the country.

It will be observed also, in the discourse delivered by Napoleon on the occasion alluded to, that he regretted that those judges who did nothing, should be as well paid as those who did the work. He wished, if it could be managed, to give them an interest in the prompt administration of justice, by establishing something like fees ; and this was done, though very imperfectly, in the Exchequer Court. (La Cours des comptes.)

That in the plenitude of his power, he would not consent to abolish the penalty of confiscation, will surprise no one who recollects that even during the Hundred Days, he could not be persuaded to agree to this measure, although circumstances obliged him to restore in the additional acts of that period, some of the other liberal enactments of the charter, and that his omission of this one was calculated to produce a very bad effect. He considered that the fear of confiscation formed the securest guarantee against conspiracies aimed at his authority. Self-interest he looked upon as the principal motive of human actions, and too often he made it alone the mainspring of his government.

*Prisons.*—The prisons of France always engaged a large share of Napoleon's attention. He desired one of the councillors of state, in 1804, to inspect the prisons of Paris, and to report their condition to him, both as related to the prisoners and to the establishments themselves. This inspection was followed by many improvements in the management of the prisons, and set a great number of persons at liberty.

In 1809, the question of establishing *prisons of the high police*, was discussed; the term *State Prisons*, no one dared to use! The proposal, which was submitted to the consideration of the Council, named the following places as suitable to the purpose contemplated, viz.; Saumur, Ham, If, Pierrechâtel, and Vincennes. It vested in the police full authority to incarcerate all such persons as could not be brought to trial without inconvenience.

The authority for keeping them in confinement was to be given by a privy council, composed as in the case of granting pardons, and renewable annually on the report of a councillor of state, who was to attend to the representations of the persons confined.

Napoleon complained that a project so much calculated to startle the public, should be brought forward in terms so brief, and without any preamble.

" There ought to be a couple of pages of guarded reasoning, well seasoned with liberal ideas, for we are now coming back for the first time to state prisons, which is a measure of such delicacy, that every word ought to be carefully balanced. The power which it vests in the minister to keep persons in confinement, without bringing them to trial, is so likely to alarm the citizens, that I wish to afford them some guarantee against abuses of this power. For example, the decision of the Privy Council may be transmitted to the Attorney-General, and this officer should be required to visit the prisoners once a-year.

The proposal, after going through a great many revisions, ended in the decree of the 3d of March 1810, in which the words *State Prison*, were at last uttered !

*On the Council of State.*—Napoleon loved the exercise of arbitrary power ; that is to say, he wished to possess the privilege of deciding himself on all questions whatsoever. At the same time, he liked to be surrounded by those who could throw light on the subjects under his review, and who might assist him in making a right decision ; for he wisely considered that arbitrary authority can be justified and maintained only by the judicious use to which it is turned. Hence arose the great pains he took in the organisation and composition of his Council of State, the only institution which enlightened his steps in the internal administration of the country. He considered that, in the multitude of affairs on which it was necessary to come to a decision daily, in pursuance of the advice of the Council of State, there might be many which affected the honour or the fortunes of the people, and which required to be treated very differently from a case relating to the cutting of a lot of firewood, or to the direction of a common sewer. Under this head might be included the authority for bringing public functionaries to trial, and still more, the decision of disputes between the government and contractors. He thought that these decisions were real sentences, for which an arrangement should be made in the Council of State itself; a tribunal, in short, which should be regulated by the ordinary forms of justice, and which, above all, should hear what the parties had to say.

The first scheme or "projet," which was brought forward in the month of April 1806, divided the Council of State into four distinct departments.

I.—The preparation and revision of the laws and regulations relating to the administration of public affairs, as well as their elucidation in cases of doubt.

II.—The administrative jurisdiction in cases relating to the high police; that is to say, the decision of matters which, without falling directly within the cognizance of the tribunals, are yet of a nature to interfere with the public peace, or the interests of the people.

III.—The decision of cases purely executive or administrative, such as giving communities the right of purchasing or selling property.

IV.—Finally, the decision of matters falling under the title of *contentieux administratif.**

This measure, which was prepared by Regnault de Saint Jean d'Angely, president of the section of the interior, enumerated three hundred and seventy-nine cases, each of which had given rise to regulations after having been discussed in the Council of State. It was clear, that his desire was to extend the powers of the Council; but his scheme was thought too wide, and various additions were brought forward before the decree of the 11th June 1806 was issued.

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* *Contentieux administratif* are processes which are heard before the local authorities, (*devant l'administration*), and not in the courts of law, (*non devant la justice.*) *P.*

The Emperor made many observations during these discussions. He complained that many of the members of the Council, who had allowances independent of the Council, did not attend so assiduously at the deliberations of their sections as they ought to have done, so that the decision of the section of the interior, for example, was often nothing more than the single decision of M. Regnault.

He also considered it advisable not to define too exactly the powers of the high police, as, by its nature, it had something vague about it. Moreover, it might be well, that appeals should be made to the Council by the minister, and not by the Council to the minister, as that course might prove a dangerous one.

He made known his intention of creating in the Council an intermediate rank between the councillors of state and the auditors, by re-establishing the masters of requests, (les maîtres des requêtes) ; and, in fact, the decree did make this addition.

In proportion as his empire extended itself, Napoleon felt the necessity of enlarging the frame-work of his administration ; not only to have more instruments at his disposal, but to satisfy the demands of the ambitious, and, generally, to attach a greater number of persons to his cause. At the time I speak of, (1806), the number of auditors was so great, that he could not express himself freely before such a number of young men of all the different classes in society. In his decree, therefore, he made a distinction between the old and the new auditors; of whom only the old could attend the meetings when he was himself in the chair.

After the Emperor had presided at the sittings of the Council, at which it was decided to nominate a committee of litigants, (un comité du contentieux) he left it to the Council to deal with the details of procedure in the cases to be brought before the committee. These regulations were promulgated by the decree of the 22d of July 1806.

*Naval Courts Martial.*—It was remarkable with what address Napoleon, in speaking of the establishment of the maritime tribunals, contrived to give a liberal air to the whole proceeding.

"Military offences," he remarked, "must be pronounced upon promptly and severely; but it would be very dangerous to familiarise the ordinary judges to such speedy justice, and to punishments so formidable, ('des peines si atroces')."

He deprecated the idea, however, of multiplying these tribunals, by creating such as should have an exclusive maritime jurisdiction. Those belonging to the army on land, he conceived might very well exercise a double office, in as much as there will be found, generally, as many soldiers as sailors on board the ships and in the seaports.

Napoleon, on many occasions, found fault with the disposition shown by the army to consider themselves in all respects as a separate body. For, although this " esprit de corps" is a source of emulation, and as such is useful to government, Napoleon felt, in case of the navy, as in that of the university, —which he got up chiefly to oppose the clergy,— that this spirit was to be encouraged only when it served his purposes, never when it thwarted them! The plan, therefore, for establishing the maritime tribunals, was sent to the naval, military, and legislative sections, respectively, in order to be corrected and abridged. It afterwards appeared in the form of a decree, on the 22d of July, 1806, which regulated naval courts martial, and laid down regulations for the discipline on board ships of war.

At the sitting of the 18th June, 1804, Napoleon expressed himself as follows :—

" The circuit judges, (des juges ambulants,) who hold the assizes, may be rendered more useful instruments in the hands of government than fixed judges can be. Can it be said that there is any government at all in France, when we see justice administered in the midst of a mob of attornies and advocates, who lead the public opinion, and by that means intimidate both judges and witnesses? We have had various remarkable examples of this sort of influence lately.* Do not we see the judges, even in the Court of Cassation, dining with the lawyers, and falling into intimacies with them quite destructive of that respect which is so essential to the moral influence of a judge? A circuit judge, (un préteur ambulant,) on coming to any place where the assizes were to be held, would not be so readily influenced, still less intimidated. A small apartment should be provided for him in the Court House; and he should not be allowed to reside any where else, or to go out to dinner with any one.

"The great judicial functionaries are now so much scattered, that I have no means of becoming acquainted with the criminal judges, for instance, of Provence or of Languedoc, nor can they become acquainted any better with me; and the consequence is, that I possess very little authority over them. If, however, I had thirty pretors, or judges of criminal justices at Paris, I should soon become well acquainted with them, and be enabled to send them to this place or to that, according to their character, or exigency of the circumstances. For example, I should send to La Vendée only those on whose firmness I could depend; and they would be far less nervous than the local judges, who, from being residents on the spot, and belonging to the country, dare not exercise their duty with the requisite severity. The interest of government requires that it should possess a more direct and immediate influence over the administration of criminal justice; for, as things are now arranged, the presidents of the different tribunals have no power to protect the state. They permit all sorts of improper things to be said against the government, and actually tremble before that public opinion which is got up by the lawyers. The result is a kind of anarchy in the administration of justice. There seems to be no reason for not selecting a certain number of circuit judges from the Court of Cassation. There are now but ten members of that Court; but they might readily be increased to sixty.*

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* This allusion was to the trials of Moreau, Pichegru Georges, &c. *P.*

" In past times the parliaments ruled the lawyers, but now-a-days the lawyers rule the tribunals. And such a state of things renders it impossible to restore the order of lawyers without great danger. There is no judicial order in France, because the judges are not sufficiently numerous to form a distinct body, and because the sinecurists in that department are as well paid as those who do the work. Their salaries ought certainly to be proportionate to the work they perform.

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* Napoleon, accordingly, did establish courts of assize, over which circuit judges (juges ambulants) presided. A large majority of the Council of State opposed this measure. *P.*

"I do not think we can abolish the punishment of confiscation; indeed, there is no nation which has not adopted this method of punishing forgery and treason."

At the sitting of the 22d of May, 1804, Napoleon, during a discussion on the prisons, made the following observations:—

"Many complaints are brought to me of the lock-up-house of Saint Denis, and still more of the chief police-office. It appears that the most respectable persons are liable to be shut up for the night, and sometimes longer, without being identified or examined. In these receptacles, too, we find decent females, young children, jumbled along with the most abandoned characters of both sexes. It is four years since I desired that separate and proper apartments should be provided for persons in good circumstances, or of respectable character, who chose to pay for such accommodation, and who wish to be alone. Nothing has yet been done for the reformation of the prisons, and all, forsooth, because the Constituent Assembly wished to do too much!

"I desire that a commission, consisting of three persons, be appointed to consider this matter of the prisons. I shall name the members of the commission, and upon their consciences shall rest the moral responsibility of all those abuses which they fail to correct. At the sitting of the 4th March 1806, Napoleon said, ' I require to have a special tribunal for the trial of public servants—for appeals from the prefects—for all questions relating to contracts for provisions, and for certain breaches of the laws of the country—for example, where the Bank has broken the laws to meet the exigencies of the state, in those great commercial affairs in which it may happen to be engaged, in its capacity of proprietor and administrator of the public domains.

" In these matters there is inevitably something arbitrary—and I wish to establish a semi-administrative, semi-judicial body, in whose hands may be placed the exercise of this arbitrary authority which is essential to the well-being of the State. This authority cannot be left in the hands of the Prince, because he will either make a bad use of it, or make no use of it at all. In the one case, you will have tyranny, which is the worst evil that can befal a civilised people—in the other case, the government will fall into contempt. The administrative tribunal may be called the ' Council of parties,' (*Conseil des parties*), or the ' Council of business,' (*Conseil des dépeches*), or the ' Council of suitors,' (*Conseil du contentieux*). I shall let them decide the dispute between the superintendent of my civil list and my upholsterer, who wishes to make me pay a hundred thousand crowns for my throne and six arm chairs, a sum so exorbitant that I have refused to pay it."

During this discussion, the Emperor complained bitterly of the architects. "They will ruin," said he, "both the State and the individuals who compose the society of Paris. In fact, we cannot find a family who are not already half ruined by them. I wish," continued he, "that it were possible to render them strictly responsible whenever they exceed the proper charge, and to put them under confinement till they paid back the sum overcharged.

"I grieve daily over the numerous arbitrary acts which I am now obliged to perform, but which would come much more appropriately (plus convenablement) from the tribunal I have been speaking of. I am made to sign, in the dark, all sorts of decisions deliberated upon in the Council of State upon disputed matters, so that I am merely a cat's paw on these occasions. Yet I have no mind that such power shall be possessed by my successors, because they might either abuse it themselves, or allow others to do so.

"In short," concluded the Emperor, "my wish is, that the State should be governed by legal means, generally, and that all such acts as might be necessary, but which were not strictly according to law, should be legalized by the intervention of a body regularly constituted for that purpose."

At the sitting of the 8th March 1806, Napoleon spoke as follows:—

"Our jurisprudence is a piece of mosaic work, and flows from no general principles. The special tribunals are inconsistent with the common rights, and they ought to be soon done away with. They were formed at a particular moment in order to put a stop to the crime of forgery, which had risen to a great height, and they ought to be displaced to make room for Provosts' Courts (Des tribunaux prévôtaux). The gendarmerie require to be protected by express tribunals against the partial decisions of juries—particularly in cases relating to the Conscription Courts-martial, which are certainly the worst things possible, at least in a judicial point of view, and come nearest to the Provost's Courts. The gown and the sword never before came so close to one another—for the sons of the judges are, for the most part, sub-lieutenants—and this is a great good which springs out of the present administration of affairs.

"In the mean time," continued the Emperor, "and until some tribunal shall be established for the protection of the gendarmerie, might it not be arranged that, in all causes in which they are concerned, the jury should be chosen from amongst the gendarmes themselves?"—(a laugh).

At the sitting of the 13th March, he said:—

"The laws should be limited to the expression of general principles; for it is in vain to foresee every case, as all experience shows that very many will be omitted. Thus, justice suffers, because, out of respect to the law, we refrain from supplying its deficiencies. The true plan, therefore, is to allow the government to regulate the details by executive ordinances, for they can feel their way, and be guided by experience. Nor is there any reason why, at the end of two or three years, those ordinances, which time had shown to be wise, should not be converted into laws."

At the sitting of the 20th March 1806, he followed up these topics.

"I have been urged to erect a particular tribunal for the dock yards; but we have already two kinds of justice, namely, that of Courts Martial and that of the Courts of Law—I do not wish to establish a third for the navy; at the same time, I have no intention of placing naval men under the jurisdiction of the ordinary tribunals, for, in naval and military discipline a blow requires to be punished with death, and a threat sends the offender to the galleys. These are of the highest order of crimes, but it would be very unsuitable to familiarise the ordinary courts with this ferocious method (cette jurisprudence féroce) of settling such matters. It is manifestly better to have recourse to the military tribunals in all naval cases. Such, at least, on the first view of the matter, is my opinion—perhaps it may be modified by further discussion. I require, however, that in any regulations made for the discipline of the navy, it be ordered that no sailor shall be struck any more than a soldier is—for it is a principle amongst the French, that a blow received must be paid back again. I do not pretend to say that on actual service, and in presence of an enemy, both soldiers and sailors may not be stimulated by this means. But this is not to exercise a right—it is merely the effect of vivacity and zeal for the service. The Austrians, who are less delicate, condemn their soldiers to receive so many blows.

" Shall I tell you what I did in the last Italian campaign, when a small town proved faithless to us, and declared for the Austrians? I degraded the inhabitants by taking from them the title of Italian citizens, and had their disgrace engraved on a marble slab placed at the gate of the town. An officer of the Gendarmerie was then put in command, with orders that when any of the inhabitants incurred the penalty of imprisonment, that punishment should be commuted for a certain number of stripes, after the manner of their friends the Austrians! And I had reason to know that the effects of this measure were most useful.

"The severe laws of military discipline are indispensable for securing an army against defeat, bloodshed, and, above all, dishonour, which they must be taught to consider as worse than death. A nation can replace men far easier than she can restore her honour.

"In the organisation of the naval tribunals, care must be taken to avail ourselves, as much as possible, of the machinery actually in use, for it is greatly better to profit by a system as a whole, than to tamper with any one of its parts. For the rest, I desire that the drafts of these laws be made as concise as may be.

At the sitting of the 8th April 1806, the Emperor spoke as follows:—

"If the Council of State is occasionally to be formed into a high tribunal for the purpose of administering justice, I should prefer that it took the title of the Administrative Council, or Administrative Court, and not that of the Council of High Police. I dislike the word *police.*

"It does not seem to me to be proper that I should preside in the Council of State when it is called upon to pronounce judgment upon individuals, because it is I who have brought them forward. It strikes me, also, that it is my business, and not that of the Council, to send back accused parties, under certain circumstances, to the ordinary tribunals; for the Council, by the mere act of referring the case back again, after hearing it, virtually pronounces a sentence of guilt. On the other hand, if I send them back, without deliberating at all on the matter, merely that they may be tried by those who administer justice in my name, no judgment is pronounced by anticipation, as in the other case.

"At present there is a great defect in the settlement of suits by the Council of State, since they decide without having heard the parties.

"It would, also, I conceive, be extremely convenient to bring before the Council offences committed by the prefects, for the apprehension of being so treated will keep the few who give me any cause of complaint in good order."

At the sitting of the 18th April 1806, Napoleon said,—"I wish to create a commission in the Council of State for the trial of disputed suits. It is to be composed of five or six auditors and two councillors of state, and must be presided over by the chief justice. It would be more expensive to make one of the councillors of state, because he would require a house and establishment. The chief judge has these already; and thus we shall save fifty thousand crowns. Besides which, the presence of this head magistrate will impart to this portion of the

Council a spirit in accordance with that of the government; whereas, without such check, they might turn their delegated authority against a feeble monarch. The Council of State might easily become too powerful; for it is the highest of the civil orders in the state, and the depository of the very limited portion of the government of the country which is reserved for the sovereign. It might be useful to create an intermediate rank between that of the prefects and the councillors of state, such, for example, as the masters of requests, (les maîtres des requêtes.) After two or three years of experience, the government might select as councillors of state those who had proved themselves to be the most efficient men, and would not run the risk it has already incurred of giving its confidence to a set of numskulls.

"The members of the Suitors' Commission be at liberty to address the Council, and shall have the privilege of replying to the parties. On these occasions, the chief justice will represent the public; and his situation is compatible with this function, as he is a distinct minister, and without any express official duties."

# CHAPTER XIX.

## ON THE FORMS AND CEREMONIES OF WORSHIP.

On coming to the imperial throne, Napoleon busied himself much with the affairs of the clergy. At his desire, various projects were discussed in his presence by the Council of State, as to the organisation of seminaries for the education of the priests,—for the establishment of curacies and chapels of ease,—for the re-establishment of foreign missions,—(the grey sisters (des sœurs grises,) and the order called " Frères ignorantins,—and also for regulating appeals and accusations.

At the time alluded to—that is when he first came to the throne—Napoleon expressed himself in kindly terms when speaking of the clergy, who hailed him as the " Restorer of Religion," and by whose chief the holy oil was poured on his head. But his language varied afterwards according to the phases of his squabbles and reconciliations with the church. At one time, when he happened to be in a good humour with the clergy, he had called two bishops to the Council of State; but their presence embarrassed him more than once, when he chose to give way to his resentment against their body. Once, during a discussion in religious matters, when the day was so far advanced that he could not see from one end of the room to the other, he called out, "Is the Abbé Mannet there?" and being answered in the negative, he broke into bitter complaints against the clergy, and regretted that he could not cut the gordian knot of this difficulty as Henry VIII. had done.

"Behold!" cried he, "the insolence of these priests, who, in the division they make with what they are pleased to call the temporal power, keep to themselves all authority over the mind, that is, over the noblest part of man, while they circumscribe my authority to an influence over the body. They appropriate the soul, and fling the carcase to me!"

At other times he lauded the priests, extolled their services to the state, and attributed in a great measure to their influence the readiness of the conscripts to march, and the general submission of the people.

It will be seen that, in his observations on the seminaries for the education of the clergy, he replies to the objections brought against those establishments on the score of its being dangerous to allow of their being too widely spread. The fact is, that the Council of State, which was then chiefly composed of men brought forward by the Revolution, by no means gave in to the ideas of Napoleon as to the expediency of returning to the old religious institutions. The Arch-Chancellor Cambacéres, president of the council, said, one day, that the Emperor but rarely referred to him the work of the minister of public worship, because the manner in which the council viewed such matters differed too widely from his own and that of his minister.

The draft of a law was laid before Napoleon for putting an end to the disputes as to the relative jurisdiction of the clergy and the civil authority on the question of marriages and divorces. But he gave up this project in despair, saying, that the enactments of the "Code Civil" must suffice, and that any attempts to reconcile the parties would only embroil them farther. In short, as he often complained, it seemed impossible to determine the almost imperceptible line which separated the temporal from the spiritual authority.

The plan of a decree upon writs of error, ("Les appels comme d'abus,*) was brought forward in various shapes. The first of these continued the jurisdiction in the Council of State as it had been established by the law of the 18th of Germinal of the year X. (8th April 1802;) the second gave the jurisdiction to the imperial courts. Napoleon desired to have a decree consisting of one article, under which all such cases should be tried in the imperial courts, without the intervention of a jury. But this scheme fell to the ground.

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* This is a technical term. "Appeller comme d'abus" is to bring a writ of error. It relates, however, I believe, chiefly to appeals from the ecclesiastical to the civil courts. *Trans.*

In consequence of the clergy having complained that on many occasions they had been treated with disrespect, by people not only refusing to join in their worship, but by turning them into ridicule, the draft of a decree was laid before the Council in 1806, the object of which was to afford protection and respect to the observance of religious ceremonies, both within the churches and in the open air.

By this decree, every person who entered a church was obliged to conform to all the rites and ceremonies proper to the place; and on meeting any procession in the streets, was to make way for it, and, while it passed, to stand uncovered. M. de Segur, who drew up the report, dwelt strongly on the motives of this proposal. Two reasons were laid before the Council. By the first, it was proposed to enforce the law of Germinal, which forbade all processions in places where more than one form of worship was practised; but the second edition of the decree made no mention of this limitation.

After the subject had been discussed for a long time, Napoleon, wound up by declaring that all the different varieties of worship ought to live in peace with one another,—that the less said about the matter the better, and that a simple police regulation to restrain the licentious was quite enough; and thus the question was allowed to remain.

The following opinions of Napoleon were expressed at the sitting of the 4th February 1804:

"There must be established at the public expense one seminary* for each district (arrondissement) of the capital; for I am nowise alarmed at this first step, as some people consider it, towards the re-establishment of the 'theological faculties' and a dominant religion. Protestant seminaries have been formed at Geneva and Strasburg, and we must have one for the Catholics. I am well satisfied with the Protestants,—they ask for nothing, and they recognise me as their religious head, and, in consequence, I am exempted from the necessity of superintending the doctrines taught in their schools. Moreover their numbers are only three millions. The Catholics, on the contrary, require to be watched by the government, because their head is a foreign prince. At all events, we must take care not to let the education of our young priests fall into the hands of fanatics, or of ignorant persons; for it may be truly said of the priesthood, as it has been said of the tongue, it is either the worst of things or the best.

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* Institution for the Education of Persons intended for the Church. *P.*

"We must lose no time, either, in the formation of these public seminaries, or we shall have them got up clandestinely, as has been done already in the department of the Calvados, and Morbihan, and several others. The heads of the Catholic Church," continued Napoleon, "that is to say, the bishops and grand vicars, are enlightened men, and attached to the government. But, besides these, we have three or four thousand rectors and curates, brought up in ignorance, and rendered dangerous by their fanaticism and their passions. Now, we must secure enlightened successors to these persons, by instituting special schools, under the name of seminaries, which shall be under due authority, and which shall be presided over by instructors properly qualified, attached to the government, and favourable to toleration. These professors must not confine themselves to theology, but must infuse a certain degree of philosophy, as well as a knowledge of worldly matters, into their instructions.

At the sitting of the 11th February 1804, Napoleon said:—"I have been in vain endeavouring to establish the proper limits between the civil and religious authority. In truth, these limits are quite chimerical. I have looked into the subject to no purpose,—I can see nothing but clouds, obscurity, and difficulty. The civil government condemns a criminal to death—the priest steps in, gives him absolution, and ensures him a place in paradise! We must take care how we awaken the old pretensions of the priesthood by these discussions. It will be enough to settle that every marriage performed by a civil authority shall afterwards be blessed by the priest. Nor is any law necessary for this purpose; indeed, any thing of this kind would only set controversy afloat. Why should not the Council of State have cognizance of divorce cases also? There is nothing now to be feared from the churchmen—they have lost their empire beyond recovery, and their intellectual superiority has long been transferred to the civil community.

" But, as they form a distinct body, with interests also separate, they must be looked after by the authorities. It is only in Christendom that the pontifical is distinguished from the civil power. In the Roman Republic, the senators were the interpreters of the will of heaven, and this is the mainspring of the authority and the solidity of any government. In Turkey, and all over the east, the Koran furnishes at once the civil laws and the religious manual."

At the sitting of the 22d of May 1804, Napoleon spoke as follows:—

"We must reduce, as much as possible, the number of perpetual curates (curés inamovibles), and multiply that of incumbents (desservants) who may be removed at pleasure, and who should be divided into several classes. Their highest rate of emolument shall be settled at five hundred francs (£20) over and above their pay, and this will cost France about fifteen millions (£40,000) a-year.

"In spite of all I can do, religious communities are re-established. I wish to see bishops, rectors, and curates, and that is all. I am told, however, that, at Beauvais, and in other cities, the Jesuits have set up establishments under the name of Fathers of the Faith (Pères de la foi). This must not be allowed. The King of Spain has already sent me various official notes through his ambassador, in which he complains of the permission we give to the Jesuits to re-establish themselves, and of their daily progress amongst us. It is not only the executive government which should bestir themselves to put down this abuse, but the clergy and priests should see that their affairs are not too much meddled with. The courts of law, too, ought to be roused into action, so that the gown should be opposed to the cowl, and one kind of 'esprit de corps' be arranged against another. The judges, in their way, are a sort of theologians like the priests:—they have their maxims—their rules—their canon law, and we have invariably seen governments fail in their contests with the priests. The monarchy had no means of resisting the clergy except by putting the parliaments against them.

"I wish to have neither a predominant religion, nor that any new ones should be established. The Catholic, the Reformed, and the Lutheran, recognised by the Concordat, are quite enough."

At the same sitting, on the 22d May 1804, he continued: "It is my wish to re-establish the institution for foreign missions, for the religious missionaries may prove very useful to me in Asia, Africa, and America, as I shall make them reconnoitre all the countries they visit. The sanctity of their dress will not only protect them, but serve to conceal their political and commercial investigations. The head of the missionary establishment shall no longer reside at Rome, but in Paris. The clergy will hail this change with satisfaction, and I shall set it a-going with fifteen millions of francs (£40,000). We all know of what great use as diplomatic spies the 'Lazaristes' of the foreign missions were in China, Japan, and all over Asia,—even in Africa and Syria there were some. They do not cost much money—they are respected by the barbarians—and, as they have no official character, they can never commit the interests of government nor compromise its dignity. The religious zeal which animates a missionary will not only make him undertake expeditions, but carry him through trials which a mere civil agent would never dream of, or would sink under were he to attempt them.

"The missionaries, accordingly, may help to advance my views of colonizing Egypt and the coasts of Africa. I foresee that France must relinquish her maritime colonies. Those on the other side of the Atlantic, before fifty years elapse, must belong to the United States; and, indeed, it was this consideration which led to the cession of Louisiana. We must therefore manage as well as we can to get up similar establishments in other parts of the world.

"I intend also to re-establish the order called 'Sœurs de la Charité,' and their re-installation shall be got up with great solemnity. Their head shall reside in Paris, so that the whole corporation may be under the hands of the government. I have already given them back their houses, and I am almost of opinion that in like manner we should re-establish the order called 'Frères ignorantins.'"

"Paradise," said Napoleon, "is the central point towards which the souls of all mankind are travelling, only they follow different roads—each sect has a way of its own."

On another occasion he said, "Atheism, and not

Fanaticism, is the evil to be dreaded in these days. I have nothing to fear from the priests, whether catholic or non-catholic; I am the head of the Protestant ministers, because I nominate them; and as I was consecrated by the Pope, I may well consider myself as chief of the catholics."

## CHAPTER XX.

### UPON THE JEWS.

A PRODIGIOUS sensation arose in 1806 in Alsace against the Jews, who, it was said, had swallowed up the whole trade of the jewellers and other merchants, besides ruining and driving away the cultivators of the soil by their usurious transactions, to such an extent, that it was declared they would ere long be the sole proprietors of Alsace. In the wine shops it was suggested that the Jews should be got rid of by massacre; and even the men of business in higher walks of life were not free from this intense irritation against the Hebrews. The commercial court of Strasbourg complained that during the years X. and XI. (from September 1801 to September 1803) they had decided cases of debt in favour of the Jews to the amount of 800,000 francs (upwards of £30,000.) Such, in short, was the exasperation against them, that there was reason to fear a repetition of the horrid scenes of the middle ages. The minister of justice, carried away by the number and violence of these complaints, proposed a decree forbidding the Jews to engage in mortgages, and to authorize their debtors to defer the payment of the sums due to them.

This proposal, on being remitted to the sections of internal and legislative affairs, led to a report, in which it was laid down that no exception ought to be made in the case of the Jews, and many members of the Council of State supported this view of the matter. They represented that a vast number of highly respectable Jews were to be found at Genoa, Marseilles, Bordeaux, and in Holland ; and, moreover, that the crimes imputed to the Jews of Alsace did not spring from the religion they professed, but from local circumstances which ought to be changed. But these reasonings had no effect in shaking a resolution already formed, and a decree was issued on the 30th May 1806, which authorized a suspension of payment in cases of debts due to Jews by farmers in many of the departments.

Napoleon himself was strongly prejudiced against these people, as will be seen from the following observations which fell from him. He had drawn them, however, towards his armies, in the train of which the Jews were too often to be found, greedy of gain, and ready to traffic with any or every body. He wished, notwithstanding, that they should have a hearing, and in this view he assembled a grand Sanhedrim, a kind of States-General of Jews, which for a long time held its sittings at Paris, and adopted a police regulation, dated 17th March 1808, for their religious brethren, to which the Emperor gave his sanction. The decree suspending the payment of debts due to the Jews was recalled, and they were once more admitted to the benefits of the laws of the land.

At the sitting of the Council of State on the 30th April 1806, Napoleon made the following observations :—

" Government ought to extend the shield of legislation over any part of the empire where the public prosperity is menaced; and we cannot contemplate with indifference the prospect of the two beautiful departments of Alsace falling into the exclusive possession of a nation which is not only debased and degraded, but is capable of every kind of wickedness. We must look upon the Jews as a nation, and not as a sect. They form a state within a state ; and I should think we ought to take from them, at least for a time, the right of employing their money in mortgages,—for it will never do to place the French people at the mercy of the vilest of all nations. Whole villages, it appears, have been dispossessed of their lands by the Jews, who have brought back the feudal times. At the battles of Ulm, they came like a cloud of crows from Strasbourg to purchase from the plundering parties the booty gained by pillage.

" We must manage, however, by legislative means to prevent the necessity of those arbitrary measures which the local authorities have been obliged to adopt in Alsace, where the Jews are exposed every moment to be massacred by the Christians as they have been elsewhere, and always in consequence of their own doings.

" The Jews, indeed, are not in the same category with the Protestants and Catholics, and they must be treated according to the maxims of political rights, and not according to those of civil affairs. As they are not citizens, it might be very dangerous to allow the keys of France, Strasbourg, and Alsace to to fall into the hands of a population of spies who are not attached to the country in which they live. In former times, the Jews were not even allowed to sleep in Strasbourg; and it might, perhaps, be well to decree that not above fifty thousand Jews should reside in the two departments of the Upper and Lower Rhine: the remainder of the Jewish population would scatter themselves as they pleased over the rest of France. They might also be forbidden to engage in trade; and it might be arranged that the transactions of those who sullied themselves by usury should be declared fraudulent and void.

" The Christians of Alsace and the prefect of Strasbourg made many complaints to me of the Jews as I passed through that city."

At the Sitting of the 7th May 1806, Napoleon said,—

" It has been suggested to me to banish entirely the Jews who wander about, and who cannot establish their right to be considered French citizens; and likewise that the courts of law should be authorised to exercise a discretionary power to suppress usury. But these measures would prove ineffectual; for, ever since the time of Moses, the Jewish nation has been usurious and oppressive. It is otherwise amongst Christian nations, where the usurers form an exception, and are ill received accordingly. We shall never regenerate the Jews by means of metaphysical laws. What is required are simple laws, made to suit the occasion; and nothing can be less judicious than driving off a number of persons who are as much men as the rest of the population. The exercise of arbitrary authority is not the less tyrannical for being metaphysically applied; and therefore it is quite wrong to talk of the judges having any discretionary power. A judge, in fact, is a mere machine, by means of which the laws are carried into execution, just as the hour of the day is pointed out by the hands of a clock.

It would be very weak to expel the Jews. We may gain strength by improving them. We may, with propriety, forbid the Jews to trade, because they abuse the laws of commerce, on the same principle that we shut up a goldsmith's shop, who has been detected in dealing in adulterated metal. Some idle speculation has misled the proposer of this law, and made him prefer the violent measure of banishment to a much more efficacious, and, at the same time, more gentle remedy for the evil.

" This law about the Jews must be allowed time to ripen. We must have a States General of that people,—that is to say, we must assemble fifty or sixty of the principal persons amongst them, and listen to what they have got to say for themselves. I choose, therefore, that we have a general synagogue of the Jews at Paris, on the 15th of June (1806) ; for I have no mind to engage in the measures proposed by the report, and which would sully my glory in the eyes of posterity. Even were the Council unanimous on the point, I should not adopt a measure of the nature proposed ; for I cannot consent to sacrifice the good of the provinces for a selfish and metaphysical principle. I must again observe, that there is no complaint made against either the Protestants or the Catholics, as there is against the Jews ; and it would seem that the mischief does not spring from individuals, but from the constitution of this people, who, like a plague of caterpillars and grasshoppers, ravage all France !

" We must establish a legal rate of interest, as in England, which may form a rule for the guidance of honest men. The tribunal of commerce were guilty of a most scandalous proceeding, when they allotted four millions interest to Mons. Seguin, at the rate of forty-two per cent. The economists turned man into a beast, when they held that his conscience would not be pricked by declaring that he had taken no more than legal interest for his money.

" The rent of land ought to furnish the measure of the legal rate of interest. England has fallen into a complete delusion as to this matter. I should like to have the principle of ' lésion d'outre moitié' applied to loans on interest ; and that we see whether the rate of interest might not be fixed for private parties at 5 per cent., and at 6 per cent. between merchants."

At the Sitting of the 21st May 1806, he spoke as follows :—

" The project respecting the Jews is much too long, and must also be revised in the expression, for the terms I am made to use are not such as suit me at all. The Sovereign ought never to allude in his enactments, to what the public think or do not think; nor to throw upon the government the responsibility of this or that opinion, for the reader will invariably take the opposite view of the subject. If, for example, in the preamble of the decree, I declare that no religion need have any fears of persecution at my hands, many readers will at once conclude, and not unreasonably, that men's minds are not quite satisfied on this point. The only point for me to adhere to is, the firm resolution to persecute no one, and then to let the public talk as they please. On this subject my opinions are so decided, that nothing shall shake them; and, as for the decree, I shall revise it with my own hands."

## CHAPTER XXI.

### ON FUNERALS.

When Napoleon came to the head of affairs he found the " police of funerals" in the greatest disorder. It was no longer the custom to bury the dead in the churches; but the cemetries, which were within the towns were neglected; and the burials took place either without any ceremony at all, or with such a long bill from the undertaker as proved ruinous to many families. The minister of the interior, in 1803, brought forward the draft of a decree on this subject, which was sent to be reported upon by the Committee of the Council of State, and M. de Ségur was charged with this task. His report, accordingly, was drawn up with that elegance of style which men of letters are so proud of, and in the spirit which reigned at the moment in favour of a return to the old religious ideas. The most delicate point upon which he was called upon to touch related to the power of refusing to inter bodies. The minister, in his plan, had proposed to take from the priest all power of refusing to bury any one who died in the profession of the Catholic religion. M. Portalis, who had the direction of public worship at that time, dwelt on the danger of forcing the consciences of the priests, and urged the propriety of making no such provision. The section of the Council of State, however, were by no means of M. Portalis's way of thinking, and even went further than the minister has proposed to go. They proposed to do away with all distinctions between Catholics and those who were not Catholics, and to compel the priests to bury the dead of every persuasion, at the mere requisition of the family. Napoleon shrunk from the difficulty of this question, and the proposal came to nothing.

The subject was resumed on the following year, and after some discussion, a decree, bearing date the 12th June, 1804, was issued. By this it was settled, that on the refusal of the priest, the civil authorities should see to the funeral. The object of the decree, indeed, was less to regulate the manner of the interment of the dead than to fix some limits to the expense, and to take care of the public health. It allotted the proceeds derived from funerals to the church funds, and allowed them to be farmed out. But the managers of these funds presently abused the privileges given them by this decree, and sanctioned the exorbitant charges made by the undertakers. Cases were submitted to Napoleon in which entire surviving families had been ruined by the expenses attending the funerals of their deceased relatives! Above all, the charges levied by the clergy of Paris were complained of. They exceeded by one third the tarif or scale fixed by the archbishop, and were three times higher than the charges in 1790! A decree to redress this evil was laid before Napoleon on the 4th of March 1806, when he then delivered the opinions given below. He had his own reasons at that time for wishing to avoid any contest with the clergy, and therefore he said it would be quite sufficient for the minister of public worship to write to the bishops to call their attention to these extortions; and it was not till long afterwards, viz. in 1801, that the necessary changes in the tarif of funerals were established by an imperial decree.

" I find, on reading the report on the number of burials in Paris," said Napoleon, " that on an average fourteen thousand persons die annually. This is a pretty battle, indeed! (C'est une belle bataille!) Amongst these are included, I observe, many exposed children; but of the rest there can scarcely be three thousand for whose funerals any religious pomp and ceremony is required; for this costs so much money that the surviving families are put to great inconvenience by expenses beyond their income. These expenses, it is said, being optional, may be dispensed with, since the funeral may take place without any ceremony at all. But how many respectable families must there not be who, though they are in straightened circumstances, feel reluctant to bury their relations without something more of ceremony than attends the funeral of the lowest class? We must not only respect such point of honour, but do what we can to maintain it; and, therefore, we should manage matters so that persons of the class alluded to should be able to inter their friends simply, but decently, for six francs, (5s.) "In fact, we have no right to impose a tax on death. The priests cost this country thirty millions annually, (£120,000,) and they have not even a pretext for such exactions. In matters of worship every thing ought to be gratis, so far as regards the people. To require them to pay at the church door, or for their seats inside, is quite revolting; for we ought not to deprive the poor,—merely because they are poor,—of that which consoles their poverty. I never allow tickets to be given for my chapel, and the places are given to those who come first.

"At Cairo, and in the desert, the mosques are not only temples of worship but places of entertainment. Six thousand persons are sometimes there boarded and lodged at once. There, too, they are sure to find a fountain and water in which they may bathe themselves. Thence comes our rite of baptism, which could never have arisen in our climates, where water is not so precious. This year, for instance, we are covered with it over head and ears! The Egyptians, in the absence of water, baptize with sand. For my part, it is not the mystery of the incarnation which I discover in religion, but the mystery of social order, which associates with heaven that idea of equality which prevents the rich from destroying the poor. Religion is indeed a kind of vaccine innoculation, which, by satisfying our natural love for the marvellous, keeps us out of the hands of charletans and conjurors. The priests are better than the Cagliostros, the Kants, and all the visionaries of Germany.

"I am not of opinion that funerals should be entirely gratuitous for persons in low circumstances; indeed, vanity will prevent most people from thinking of such a thing; but it is desirable that those who feel this sort of vanity should be able to indulge it at a reasonable cost. I, moreover, wish that our cemetries should be ornamented with chapels, and the other suitable embellishments."

## CHAPTER XXII.

### ON THE CONSCRIPTION AND THE DRESS OF THE ARMY.

The military conscription was not an invention of Napoleon's;—the term was first used by the government of the Directory, in their law of the 19th Fructidor, in the year VI., (5th September 1798). The immoderate use which he made of it, however, has connected his name indissolubly with this device for dragging away an annual crop of young men from their families, and consigning them over to the arms of death.

The conscription is a legitimate institution in itself; for nothing can be more legitimate than for the state to require a certain portion of every man's time for the defence of his country; and it is only the abuse of it which is reprehensible.

The length of service was not defined,—and it could not be; because, in a perpetual state of war, it was impossible to allow any of the soldiers to return home. Thus the conscripts were in fact banished for life, and this banishment was of the most melancholy and hopeless character. In this consisted the real evil; and so it will be again should a similar series of wars recommence; for who can doubt for a moment, that the soldiers would be detained an indefinite length of time in the field, in spite of all the new laws as to the limited duration of their service.

The enormous sacrifice of life brought on by the conscription, under Napoleon, was the more dreadful from its applying to such vast numbers. He was not content with the present system which takes away one-quarter, or one-fifth, of the young men about twenty years of age, and leaves the rest free. He swept off the whole class, in order to fill up the blanks of his army, and the very same thing must happen again, if we have similar wars to carry on.

The Emperor knew very well how exceedingly odious the conscription had become to the people, and how much it alienated their good-will towards him; and, in 1804, he frankly expressed his conviction of these truths. A measure was submitted to him about that time for compelling the refractory to serve. By this the old enactment was revived, forbidding the heads of the different departments of the state from admitting into their employ any one who could not prove that he had fulfilled the conditions of the conscription. The act went so far as to declare, that any district (commune) which harboured a deserter or a refractory subject, and did not deliver him up, should furnish an additional soldier to the army in the next year's conscription. In proportion, however, as the oppression became more severe, it became necessary to impose heavier penalties, to overcome the increasing resistance, and Napoleon at length saw the formidable conclusion to which all this must lead. One day, in full council, he exclaimed,—"I see clearly, that there will one day be a revolution against me, on whose flag will be written, '*Down with the Conscription—Down with the Droits réunis!*' And this anticipation came literally to pass, for the words—'*Plus de conscription—plus de droits réunis*,' furnished the motto on the flags of the Restoration, in 1814.

We are led to wonder how, with such convictions of the danger, Napoleon should not have given up a course of policy which, by perpetuating the war, rendered the conscription also perpetual, with all its hazards. The truth is, he yielded more to his own feelings, than to the dictates of his understanding; and thus, with his eyes open, he rushed on his fate.

In 1804 Napoleon complained bitterly of the substitutes, especially those of the towns, who deserted, he said, even in foreign countries. In a single year there were no fewer than ten thousand substitutes required; consequently their numbers amounted to one-tenth of the whole. In the towns one substitute was calculated upon for every seven conscripts, and in the country only one for every fifteen.

It was very seldom that any discussion took place in the Council of State respecting the armament, the equipment, or any other particulars relating to the organization of the army. All these details, which were much too familiar to the Emperor to render it worth his while to discuss them in the Council of State, he arranged with his minister, or with an executive council, composed of professional persons. He often assembled similar councils to consider different branches of public business, such as that of the roads and bridges. Nevertheless, on one occasion, in 1806, as will presently be seen, he discussed a point relating to the dress of the troops, in the Council of State. By what he said, it will be seen that Napoleon never conceived it possible that he could put his army on the peace establishment. "Who can tell," said he, "where the army may be required this day three months?" Peace then reigned on the Continent; but in a very short time, the campaign of Jena commenced.

At the sitting of the Council of the 29th May 1804, Napoleon remarked that "the law of the conscription was, of all laws, the most frightful and detestable for individual families, but that it ensured the security of the state at large."

At the sitting of the 15th March 1806 he spoke as follows :—

" It would be no small economy to dress the troops in white, though it may be said, truly enough, that they have succeeded pretty well in blue. I do not think, however, that their strength lies in the colour of their coats, as that of Sampson did in the length of his hair !"—(A laugh.)

" What I find fault with," he continued, " in the new plans for dressing the soldiers is, that the persons who drew up the report run off with the idea that my troops are to remain stationary, while my intention is, that they shall be essentially moving bodies, such as I may transport in a moment from east to west, from north to south, according as my policy may require. I cannot say, for instance, where my army may be required three months hence.

" France does not at present manufacture cloth enough for the supply of my armies, but that which they use is very well paid for, as the troops are rich. They have given them a half dress or a whole dress in advance ; and the military chest also readily advances them a couple of months' pay when the public treasury is in arrear.

## CHAPTER XXIII.

### ON THE FINANCES AND THE TAXES.

The management of the public finances is that part of Napoleon's administration in which his vigilance and habits of business were most conspicuous. Under his government neither deficits nor loans were ever known, as he provided for every want, either by the ordinary imposts, or by means of contributions levied on the countries which he conquered. He made his wars support themselves, and he took good care that the success of his measures should not depend upon the will and pleasure of capitalists and bankers by the instrumentality of loans.

He could have contracted loans only upon the most burthensome conditions—for it is the great evil of the borrowing system, that governments find plenty of lenders in time of peace when they ought not to borrow, but find none in time of war when they might borrow with propriety.

It is well known that Napoleon divided the management of the finances between two ministers. One of these, who was called the minister of the finances, regulated the assessment and the collection of the taxes; the other, under the title of minister of the treasury, was charged with the expenditure of the public monies. Each of these published an annual report of his operations, beginning with the year VIII,* and the estimate for the ensuing year being readily drawn up from these data, it was submitted first to the Council of State, and then transmitted by their commissioners to the legislative body.

It will be seen by Napoleon's remarks, which will be given immediately, that the expenditure for 1803 was 700 millions of francs (twenty-eight millions sterling), and that 200 millions more (eight millions sterling) were required beyond the ordinary receipts into the treasury. This sum was made up from the contributions levied on conquered countries. At this time he had possessed himself of Italy; but prudent foresight having taught him to prepare other resources for future contingencies, he established a system of indirect duties which brought his finances into a state of prosperity sufficient to ensure him a revenue proportionate to his wants.

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* The year VIII. commenced with the 22d September 1799, and ended on the 22d September 1800. *Trans.*

His system was to draw as little as possible from the land during peace, that he might be able, during war, to obtain from its resources whatever he required to carry on his operations. In war, he considered the land as the only resource of the country; but, in peace, he profited by the activity which a state of rest produced amongst the consumers, from whom he then drew indirect contributions which they could not have paid in war time.

He accordingly established, in 1804 and the succeeding years, a system of duties on liquors, tobacco, and salt, under the name of consolidated duties (droits réunis). He abolished the duty on salt on its passage through those parts of the country where the collection produced little and gave much vexation. He also allowed the different towns to assess themselves by means of a system of collection which was called a charitable impost (octroi de bienfaisance), and against which no one dared to murmur, because a portion of the product was appropriated to the hospitals. He relieved the government from the obligation of keeping up a certain portion of the roads, which he distinguished by the terms Royal and Departmental roads, one portion of which he turned over to the care of the departments. By these means, he was not exposed to any embarrassment in his finances until the fatal period when he was thrown, by reverse of fortune, back on the ancient frontiers of France. He was then compelled, with only his own resources, to make head against all the armies of Europe. At that period his budget, which had never exceeded six or seven hundred millions of francs (twenty-four or twenty-eight millions sterling), went as high, in 1814, as 1,076,800,000 (forty-three millions sterling), and yet he raised that enormous sum without borrowing!

Napoleon often asserted that all the other powers envied him his system of taxation, which consisted in having so great a number, of which the rate rose or fell according to the demand, as the fluid rises or falls in a thermometer, that by augmenting each tax only a few centimes, he could always command money enough, whatever might be his wants, and without imposing any new tax, which is always a difficult operation.

He took a great deal of pains to discover the best method of fixing the duty on liquors, and long discussions took place in his presence, on this subject, in the Council of State. At first the system of auctions was tried, then that of exercises (des exercises). He was fully aware of the unpopularity of this tax; but he said of it, as he had remarked of the Conscription, that the safety of France was purchased at this price, since without it the adequate military establishment could not be kept up. "It is surely better," said Napoleon, "to pay these contributions to oneself, in order to avoid being conquered, than to pay them to the enemy, in order to wrench the conquest from him."

At the Sitting of the 15th December, Napoleon made the following remarks:—

"We must fix a centre round which may be arranged the whole of the indirect taxes. The budget of 1803 will show an expenditure of seven hundred millions of francs (twenty-eight millions sterling), which will be assisted by a hundred or two millions of foreign subsidies. As this supply, however, cannot be reckoned upon always, we must prepare a solid system of taxation beforehand. True wisdom consists in foresight. France requires an army of four hundred thousand men, and she has need of a hundred or two hundred millions for her navy (from four to eight millions sterling), for without a navy we shall be exposed to all kinds of insults."

At the Sitting of 12th January 1804, he said—

"By the budget of 1804, the land-tax is to be lowered by ten millions (four hundred thousand pounds), by which means the departments upon which it presses the most heavily will be relieved, and a more equal distribution of the weight will take place. After this arrangement, there is nothing to prevent us, in times of great necessity, from augmenting this tax, by five and twenty or even fifty centimes, over the whole of France. At the same time, we must be careful not to exhaust this source of revenue, which is the chief treasure of France at moments of need; and it will be better to leave the money in the hands of the citizens themselves, than to lock it up in a cellar as they do in Prussia. Besides, this relinquishment of ten millions of duties now will serve as an excuse for imposing fresh burdens at another time. In order to take away with effect, we must learn how to give. I trust, indeed, that the future may always be fortunate for us, for the position France occupies is excellent. But we must not go to sleep on that account."

At the Sitting of 20th February 1806, he added—

"My system of finance consists in establishing a vast number of indirect taxes, the tarif or scale of which shall be extremely moderate, and thus be susceptible of being augmented in proportion to the necessities of the State. Six hundred and fifty millions of francs (twenty-seven millions sterling) are sufficient for me at this moment, but I wish to have the power to augment the revenue in an instant, by a hundred millions, in the event of a war breaking out.

"I possess resources, however, which my successors will not be able to command, and I must think of them as well as myself. As France is obliged to be both a maritime power and a continental power, she will always stand in need of large sums of money. Since the time of Henry IV. she has been exposed to the jealousy of all Europe. The condition of the great European family of nations is not such as may be considered best for the happiness of mankind; but the western portion of it is under the necessity of accommodating itself to the existing order of things. The Roman empire under Augustus had not one quarter so many soldiers as France is obliged to maintain. My wish is to secure the good of my people, and I shall not allow myself to be checked in that course by the murmurs of the taxpayers. I exist for posterity; and as it is necessary for France that immense sums should be raised, they shall be levied accordingly. But my object in these measures is to lay a foundation for the resources of my successors, so secure, that it may serve them, instead of the extraordinary ways and means which I have devised for myself.

"I cannot but rejoice at the admirable condition of my troops. My fine fellows ('mes enfants') came back from their last campaign, stronger and in better condition than they had ever been before. To what magic is this to be ascribed, except to the circumstance of the men being well fed, clad, and paid, indispensable requisites, considering that the army is composed of persons born in a respectable condition of life. Accordingly, no conscripts have deserted, except on the road to the camp,—never after they have joined their regiments."

### At the Sitting of the 4th of March 1806, Napoleon spoke as follows :—

"The import duty on colonial produce may be raised without any inconvenience. It is said, indeed, that if coffee becomes too dear, people will get into the habit of using succory powder instead, and that, at the peace, this habit will interfere with the consumption of our colonial coffee. I confess I am not moved by these fears. There will always be found abundance of consumers for our colonial produce, in the countries under the influence of this great empire. Besides which, within forty-eight hours after the peace with England is concluded, I shall prohibit the introduction of all foreign produce, and promulgate a navigation act, which will exclude from our ports all vessels not French, and which, besides being built of French timber, shall have two-thirds of their crews French. Even English coals, and English 'milords,' shall not come to our shores but under the French flag. A great outcry will be raised at first, because a very bad spirit pervades the French commercial world; but in the course of six years afterwards, we shall be enjoying the greatest prosperity."

At the Sitting of the 8th March 1806, he said—

"I do not object to the tax which the authorities of the city wish to levy, for their own profit, on the butter and egg markets of Paris; but, in order to prevent complaints, the money so raised must be appropriated to the hospitals, while the city may diminish, in the same ratio, their payments to those institutions. I approve also of the duty on newspapers; for the celebrated maxim of leaving things alone, (laisser faire laisser passer,) is a dangerous one if taken too literally, and must be moderately and cautiously applied."

At the Sitting of the 13th March 1806, he remarked that—

"Gifts or donations must be subjected to the same duties as goods sold; because no laws can be framed to meet cases of fraudulent sales. In the laws relating to liquors, also, a clear definition must be laid down as to the meaning of the words Wholesale and Retail; and the terms Pot or Pint must be inserted. These words may, with perfect propriety, be introduced into an excise act, which is anything but an epic poem!" (A laugh.)

"The duty of one sous per pound," said he at the sitting of the 18th March 1806, "which it is proposed to lay on salt, is not high enough. We must impose at once the proper duty, in order to avoid the necessity of coming back to it again, and thus give that branch of commerce a fresh shake. Effective entrepôts of salt may be established in all the different centres, of the consumption of that article, bearing in mind the nautical geography of France. It is said, that this will create an apprehension that we are returning to the old 'gabelle' system; but I know not what else to do, and for the rest, there is no curing people of fear."

Again, at the Sitting of the 25th March 1806,
he remarked—

"Before we finally do away with the duty collected on passing the barriers, which yields seventeen millions of francs, (seven hundred thousand pounds sterling), for the 'roads and bridges,' we must ascertain how much is derived from the duty on salt, by which it is to be supplanted. This duty, at two sous per pound, will yield, it is said, forty millions of francs, (rather more than a million and a half sterling), and if this prove true, we might turn over thirty millions of it to the 'roads and bridges,' on the idea that the money was to be applied strictly on the proper objects of that establishment, instead of being carried to the credit of the public treasury.

"Nothing need prevent us raising the duty on salt in time of war, particularly *in the event of losing a battle.* The nation which is now full of energy, and will surely prefer paying this additional duty, and distributing it amongst themselves, to running the risk of paying it to the Russians or Austrians!

"It may be mentioned in the preamble of the act, fixing the duty of two sous the pound on salt, that it is a war-tax, and that in peace the duty will be six liards, (three farthings). Six hundred millions of francs (twenty-four millions sterling) ought to be revenue enough for France in time of peace.

"If the suppression of this transit duty be a necessary preliminary to the introduction of the excise, and of the duty on salt, we must give it up; and the truth is, this duty has always been loudly complained of. The 'Tribunat' and the Legislative body are quite agreed in recommending its suppression."

At the Sitting of the 2d April 1806, he returned to this point—

"I propose," said he, "to continue the salt duties in Piedmont, and for that purpose I shall retain a line of customhouse posts along the Alps, so that I may know, by means of that small number of stations, all that takes place. But I am not at all satisfied with the way in which things are managed at present, for it gives no genuine symptoms of vitality. I don't hear the five-franc pieces clinking in the treasury. The fact is, the managers are rogues, who have been bribed. I shall go myself, however, one of these days, into Piedmont, when I shall presently place these gentlemen in the citadel; or, if I do not go, I shall dispatch a councillor of state, who might reside long enough on the spot to see things put in proper train. The affairs of the kingdom of Italy are far better managed, because I take charge of them myself, from this spot, just as I do those of France.

"If the war terminates next year, which is a possible case, we may reduce the budget by the ten war centimes, and make the impost three, instead of the one centime and a half, allowed by the registration (cadastre).* But we must take care not to overload our donkey, (mais il ne faut pas charger l'âne de tous côtés,) and the registration must be carried on gently. There appears to be no printed statement which shows distinctly what has been the result of the ten millions which have been expended in this operation, and which might be looked for from it. This matter must be very frequently considered in the Council of State; not less, indeed, than once a month. They say that the registration (cadastre) is not yet completed for more than six thousand townships, and that ten years must elapse before it can be completed.

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* The *cadastre* was a great statistical operation by which all the landed property in France was surveyed, (arpenté) and its value estimated, in order to establish an equal tax over the whole. *P.*

" I beg also that the case of the ' Receivers-General' may be taken into consideration; for they make a great deal too much money. The Receiver-General of l'Aisne, for example, gets a hundred thousand francs a-year, (£4000,) which is scandalous. Half of them get as much as this, and the other half make from forty to fifty thousand francs at least. By this means these persons readily feather their nests, and then become bankrupts. They must be compelled to pay up after a delay of twelve or fifteen months."

At the Sitting of the 7th April 1806, he said—

" The kingdom of Italy yields me one hundred millions of francs, (four millions sterling.) Of these seventeen millions would be lost to the state if I permitted tobacco to be grown in that country; for it would be impossible to prevent fraud. The salt department at Genoa produced eight hundred thousand francs, (upwards of thirty thousand pounds sterling,) but in this is included the sales made under those contraband arrangements, which were called 'Duties on foreign trade,' ('Droit de commerce étranger.')

"There is no occasion for any law against the cultivation of tobacco on the other side of the Alps, as a decree, which is the necessary consequence of the monopoly established in these departments, will be quite sufficient. It has been objected to this proposal, that the law in question authorises only the monopoly in salt; but that is of no consequence; for I wish to avoid the appearance of re-establishing the 'Gabelle.' Not that I should have the least apprehension of doing so, if I believed the measure a useful one for the country; though I should certainly do it openly. I sometimes play the fox; yet I know also how to enact the lion! While, however, I am nowise disturbed by the discontent produced, and allow the people to growl on, I have no notion of my intentions being misrepresented. Thus, it is most falsely asserted, in sundry coteries, that the Gabelle is to be re-established. This was even asserted at the house of the minister of police, in the presence of various legislators and councillors of state. Indeed, several of the councillors joined in this opinion, which is quite improper, (c'est une inconvenance.)

" It appears to me that we ought not to exempt any salt from duty, except that on board vessels captured, or lost at sea. Any duty claimed in such cases would fall on the people, because the insurance would be augmented, and with it the price of salt. For a long time to come the shores of France will be infested with English privateers. This war, indeed, has lasted for centuries, and it will continue for centuries still, unless we have the good fortune to humble England, (*a moins que nous n'ayons le bonheur d'abaisser l'Angleterre !*) otherwise we shall virtually be in a state of war, even when we have made peace."

At the Sitting of the 16th April 1806, Napoleon said—

" The Prefect of Paris and the general board have complained that the persons (les facteurs et les factrices) who occupy the market places (les halles) and the fish stalls (la marée) are not in favour with these functionaries.* I have, however, desired enquiry to be made into this matter, and I find that the complaint is without foundation. I therefore think that no charge should be permitted. Nor do I conceive that any charge should be made upon those poor people who, in fact, have nothing wherewithal to pay. And we must take care not to carry out municipal interference (l'esprit de fiscalité) into the affairs of that wretched class of the population. The public squares, like water, ought to be had gratis. It is quite enough that we tax salt and wine; and surely it is not worth while to reduce the condition of these wretched people still lower, for the sake of the fifty petty crown pieces which the rent of their stances might bring. It would become the city of Paris much more to think of restoring the corn market (la halle aux blés) and I shall, accordingly, issue a decree that this building be rebuilt before the 1st of January 1807; and if the city's funds be not sufficient, others shall be provided."

At the Sitting of the 23d April 1806, he said—

"It has been suggested to me to establish at Geneva an office to verify, by an official stamp, the quality of gold and silver (un bureau de garantie de l'or et de l'argent) ; but that city sets its face against this measure, upon which I cannot decide until I ascertain whether it be a mere fiscal detail, or a general commercial regulation which is proposed. At all events, there can be no reason why any exclusive privilege should be granted to Geneva, unless it were to maintain her peculiar establishments for the public instruction. Geneva is a part of the empire ; and the supreme authority is one and indivisible.

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* The *Facteurs* and *Factrices* alluded to by Napoleon in the above remarks, are the persons in whose hands the peasants leave their produce for sale, in order that they themselves may return to the country to attend to their farming business. The fish which is sent from the sea coast is entrusted, in like manner, to a set of *facteurs* or agents. *P.*

" But we may ascertain whether various classifications of gold and silver might not be authorised, in order to bring trinkets and other jewellery within the reach of the different classes of society.

" It may be proper also to determine how far that city may require to be placed under a particular regulation ; for it is said that Geneva exports annually fifteen thousand watches, of which only five hundred are made for France ; the rest go to England ; and these of course must not be subjected to any mark. By this day week I desire that a complete measure relating to this matter be laid before me."

# CHAPTER XXIV.

## ON THE BANK OF FRANCE.

THE institution of the Bank of France is due to Napoleon. There were at Paris various establishments where credit was given, but under circumstances more or less inconvenient—such as the Discount Bank (La caisse d'escompte), Jabac's Bank, the Commercial Factory, and others. All these were condensed by the law of the 24th Germinal in the year XI. (14th April 1803), into one establishment, called the Bank of France, with a capital consisting of 45,000 shares of 1000 francs (£40) each. At that time the interest of money was three per cent. per month. This it was proposed to reduce, and to have over the whole one establishment, which should receive the government paper, and thus facilitate its operations.

The Bank soon got into hot water with Napoleon, who imagined he could regulate matters of credit by his own absolute will as he did all other matters. In the year XII. (1804) he reproached a deputation of the Bank very sharply for permitting an opposition party to rise up amongst them, who refused to discount the bills of the Receiver General, and refused to furnish the necessary facilities for commercial operations.

The truth was, that the Bank had already in its hands from five and twenty to thirty millions (from a million to twelve hundred thousand pounds sterling,) of government bonds. That with respect to the pretended bad effects on commerce caused by them, it consisted in their refusing to give farther credit to Hervas, Michel, and other contractors, whose bills were neither more nor less than the obligations of the Government. The Bank had at this time seventy-five millions of notes in circulation, (three millions sterling,) and was under the necessity of maintaining its power of paying these on demand. Napoleon, however, wished them to issue for his use a hundred or a hundred and fifty millions, though at the risk of their not being able to satisfy the bearers, should they wish to change their notes!

The crisis of 1805 proved that the Bank had good reason for adhering to these prudential rules, since it was exposed, even in spite of all their caution, and the Government too, to the greatest embarrassments. Scarcely had Napoleon set out for the campaign of Austerlitz, (24th September 1805,) than the report got abroad that he had carried off the money in the Bank in order to carry on the war with it, and there was not enough left to pay the notes which were in circulation. The Bank was besieged by crowds, and they could not satisfy the urgency of their demands. At first they paid slowly, and at last they stopped altogether. The notes fell ten per cent. in value, and affairs were not restored to order for about a month by the operations of the Bank, and by the restoration of confidence in the Government consequent upon the military successes of Napoleon. Various causes contributed to bring on this crisis.

1*st*, The suppression of the agency of the Receivers-General, who had done the Government business for one per cent., whereas the Bank was bound to perform the same work for one half per cent.

2*d*, The accumulation in the hands of the Bank of too great a quantity of Government bonds, or those of contractors, and the impossibility which the Receiver-General found in paying off these obligations in any way but in the orders of Desprez,* because the minister had sanctioned their advancing money on these orders.

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* M. Desprez was a government contractor. *P.*

*3d*, The obligation which the minister fixed on the Bank of issuing notes in order to facilitate the transactions of the contractors.

*4th*, Finally, the influence of the military and other public servants who borrowed money from the Bank to enable them to take the field.

This affluence which was displayed to the public at length begat a general panic, which was only augmented by the intervention of the police, and thus the situation of the Bank was discovered, which otherwise might perhaps not have become known. An apprehension of returning to a paper currency prevailed, under an idea that the notes of the Bank were to be forced into circulation, after which they would perish in the hands of the bearers, as the *assignats* had done in times past.

Napoleon, who was always attentive to what was going on at Paris even when he was with the army, was greatly alarmed by this crisis; and as soon as he came back, he set about re-organizing the Bank. By the law of the 22d of April 1806, he doubled its capital, that it might be the more able to assist the Government, and he placed over the direction of its affairs a governor and two deputy governors named by himself, that the whole might be more completely under his hands. His observations on the occasion of this law being discussed are here given.

There was a good deal of talk as to the salary of the governor of the Bank. There existed a tendency at that period to multiply great places and high emoluments, and it was thought that in considering this point of the salary to the governor of the Bank, there need not be much scruple, as it was the shareholders who paid, and not the public. One member of the Council, General Clarke, afterwards Duke of Feltre, who saw the Emperor's humour, proposed, in the ardour of his zeal, that the governor should have three hundred thousand francs (twelve thousand pounds) a year!

All these arrangements, however, were insufficient to prevent fresh collisions between Napoleon and the Bank, for he met, even on the part of the functionaries whom he himself had named, a well-grounded resistance to his exactions, which threatened to involve not only the interests of their great establishment, but also the tranquillity of the capital, and the security of the Government itself. On one occasion he became exceedingly irritated against the opposition of one of the deputy governors, who exercised the greatest influence; and it was even said that he had thoughts of sending the offending party to a state prison. In the end, he allowed him to remain, well knowing that the deputy-governor had merely done his duty, and that to destroy the credit of the Bank was tantamount to destroying his own,—a fatal result for the interests of his Government.

At the sitting of the 27th March 1806, he spoke as follows:—

"I have no objection to the chief of the Bank being called the governor, if that will give him any pleasure—for, after all, titles cost nothing. I agree also that his salary shall be as high as may be considered right, since it is the Bank which pays the money. It may be named at sixty thousand francs (£2400 sterling).

"With respect to the proposal of requiring that the governor shall not be in office, I am of opinion that, whatever line be adopted, it will be difficult to prevent the heads of the Bank from taking an improper advantage of their knowledge of the proceedings of government, and the changes in the funds. Accordingly, on the occasion of the late crisis in the Bank, after the Council of Regents had resolved that piastres should be purchased, two of these very regents slipped out, bought up a quantity of piastres, which they sold again, within a couple of hours, to the Bank, at a great profit!

"I shall divide the Bank into three authorities:—

"*First*, That of the two hundred shareholders, who form the committee:

" *Secondly*, Those who form the Regents, and others:

" And, *thirdly*, The governor and his two deputies.

" The law by which the Bank is organised must consist of three heads, corresponding to these different functions.

" I do not perfectly understand," said he, " the system of discounting of the Bank ; and I attribute the late crisis (which certainly is the most formidable that has visited us since the days of Law) to these discounting operations being ill managed. One banker shall be enabled to discount bills to the extent of seven or eight millions, whilst no other house shall have credit for nine hundred thousand or a million. Above all things, we ought to forbid the discounting of circular notes (billets de circulation). The late crisis has been facetiously ascribed to pretended demands made by government on the Bank for funds to meet the exigencies of the army. But the fact is, the government did not draw one sous from them. The Bank does not belong to the shareholders alone—it belongs also to the State, from whence it derives the privilege of coining money. The largest body of shareholders who can be brought together is nothing more than an electoral body, like the electoral colleges, composed of the most influential persons. Nothing, indeed, can be more mischievous than looking upon these people as exclusive proprietors of the Bank, because their own interests are often in opposition to those of the Bank. The shares they hold, it is true, have the effect of giving them an interest in the establishment, as a title of landed property interests the members of the Electoral College in the well-being of the State. But this by no means necessarily imparts to them a knowledge of their true interests; and it will often happen that the interest of the shareholder is not the interest of the share itself!

" I wish the Bank to be sufficiently under the command of the government, but not too much so. I do not so much desire that it should lend money to government, as that it should afford facilities for collecting the revenue economically, and rendering it available for the public service at moments of of need, and at the points where it is required. In requiring this kind of service, I make no unreasonable demand upon the Bank, since the treasury notes are the best paper they can have. The deposits in the hands of any government are always better than deposits in those of any banker whatsoever. A mighty revolution, capable of bringing on a national bankruptcy, is an event which does not happen above once in two or three centuries, and such a catastrophe carries with it the ruin of all minor establishments. These private banks, however, fail much more frequently; and I know two brothers, each of whom laid out three thousand francs before the Revolution, one in the hands of a banker, the other in the Hotel de Ville at Paris. The first, who relied on the banker, lost every thing, while the other not only saved five thousand francs a-year of interest, but every now and then received some dividend or bonus. Even the most substantial bankers go at last; witness M. Recamier, who, at the most, will not pay his creditors more than ten per cent. For all that, he will have the felicity to receive many visits of condolence!

"As far as I am concerned, it cannot be said that I have caused any bankruptcy since I came to the head of the government; on the contrary, I have greatly contributed to fortify public credit. One contractor owes me thirty millions, another twenty, another ten. The non-payment of the bills of exchange from St. Domingo cannot be called a bankruptcy, for a portion of those drafts bears the words 'Received payment,' though the declaration of the payer sets forth that nothing was paid. Another portion of this pretended debt is for goods which were rated at three or four times their proper value, and not less than sixty millions was drawn from this source in a single day. One of the bearers of those bills, when put to his oath, confessed that he had, in fact, paid nothing. Besides which, governments, like individuals, are liable for those bills only which they have accepted, and I defy any one to accuse the treasury of having refused payment for an accepted bill. I am convinced that it was the bankers themselves who brought on the run upon the Bank. One portion of them merely wished to enrich themselves at the expense of government, the others were led away by false systems, as may be seen by the writings of M. Dupont de Nemours. For my part, so convinced am I that these false theories merit no sort of attention, that I have not even looked into that gentleman's pamphlet."

At the Sitting of the 2d April 1806, Napoleon said—

"There is not in all France a single bank, properly so called, at this moment; for this country has no men in it who know what a bank is. Bankers are a race of men who must be created. I cannot understand why the regents of the Bank are averse to receiving salaries. Their labour is like any other labour; but it may be better perhaps that the rate of their payment be fixed annually by the Emperor, out of the reserved funds.

"With respect to the nomination of the governor of the Bank, I do not think it right that I should name a set of candidates to the committee of shareholders; for their proceeding will limit and embarrass my choice, besides placing me in a degraded position before the committee. If I do ever consent to place myself in such a situation, it is only before the Senate, and then only because they represent the nation, which is the source of all power and of all authority. The very most I can submit to is, that the committee name a governor of the Bank, subject to my approbation, as in the case of the Academicians. I must insist, however, upon being the master in all that I meddle with, especially in all that concerns the Bank, which, after all, is much more the Emperor's affair than that of the shareholders, since it is he who sanctions their coining money.

"The Bank had well-nigh fallen into the hands of an envoy of Mr. Pitt's, M. Talon, and it was necessary to use force to ward off a danger, which showed that the influence of the public authorities in the Bank elections was too small. We must, therefore, place in the management of this institution a race of men who are strangers to the Bank. I can conceive a case in which sixty thousand francs a-year (L.2400) would be too little for the governor, and it must be recollected that it is by means of money that we have a hold over monied men.

"The share which the Government is to take in these matters, is correctly pointed out by the draft of the proposed law. It ought not to have any initiative in regulating the discounts; but it must possess the right of censuring and objecting, and it must be stated that they shall not create new discounts. And in stipulating that the governor and deputy-governors shall not be concerned in any discount operation, we may dispense with the oath requiring them to give up business."

## CHAPTER XXV.

### ON THE LAW OF BANKRUPTCY.

It was during the discussions respecting the new organisation of the Bank, that Napoleon took occasion to express his opinions on the laws which regulated bankruptcies. In what he said to M. Recamier of the expensive habits which brought on his ruin, and the allowance (solidarité) to which he wished him to reduce his wife, we may recognise the bitterness with which he invariably expressed himself when speaking of the bankers. The fact is, they were an independent class of men, who owed their fortune to nothing but their own industry. They wanted nothing from the government; who, on the other hand, often required their assistance, and this circumstance, as well as their essential independence, gave him no small umbrage. The bankers, moreover, could never be sincerely favourable to his government, which took so little care of the interests of commerce, or of credit in any shape. From all these circumstances, arose his frequent complaints of what he called the *Banker's faction.*

Napoleon had, moreover, a personal pique against Madame Recamier, in consequence of the little court she held at her own house. However elevated his rank and station might be above hers, he could not see any one share the public notice with him, as Madame Recamier did, without a feeling of jealousy; and he seemed to think that she robbed him of a portion of the public favour! The attentions, accordingly, which Madame Recamier and Madame de Staël received from the society of Paris, annoyed him almost as much as a direct opposition to his government. Even the rage for M. Gall and his system of craniology put him out of humour, for he was provoked that even for a moment people should be more taken up with Gall than with Napoleon!

It must not be overlooked, however, that there are some well-grounded remarks on what Napoleon says of failures; for, without being too hard upon misfortune, we ought, if possible, to fall upon means of checking fraud, incapacity, and negligence, in the conduct of business.

### At the Sitting of the Council of the 29th March 1806, Napoleon spoke as follows:—

"An able report has been made to me respecting

M. Recamier's bankruptcy, by which it must be evident, to every reasonable person, that the transaction is a fraudulent one. For M. Recamier went on spending a hundred thousand crowns annually, for three years, during which his affairs were becoming worse and worse.

" I should like if there were no arrangements allowed between the bankrupt and his creditors, except in cases where there has been no fraud. I think, too, that every bankruptcy ought to be considered fraudulent, until it has been ascertained that it was not so. The instant a failure takes place, the bankrupt should either be put into the public prison, or be confined in his own house, as the judge might see fit; and he should not be permitted to resume business, before he should have paid all his creditors in full. My opinion, moreover, is, that in cases of bankruptcy, the wife ought to be deprived of all her property acquired by marriage; it being consistent with our habits and manners, that a woman should share the misfortunes of her husband, and because such a regulation would give her an interest in not leading her husband into foolish expenses."

## CHAPTER XXVI.

### ON THE MINES.

The laws relating to mines have varied greatly from time to time.

In 1321, Philippe le Long declared them *domaniales*, that is, belonging to the demesne, and he permitted them to be freely worked, subject only to a fiscal duty.

In 1413, Charles VI. exacted one-tenth of the metals from the refiners. In 1483, Charles VIII. relieved the mines from the *taille* duty, and every one might work them on paying a tenth, and indemnifying the proprietor.

In 1548, Henry II., under the pretence that the free working of the mines had ruined them, granted a monopoly to a single person; reserving, however, one-tenth to himself.

In 1601, Henry IV. having taken to himself the exclusive possession of the gold and silver mines, abandoned all the others to the proprietors of the soil, and created a grand master of the mines. In 1670, Louis XIV. renewed the monopoly of working the mines in favour of one individual. But, in 1698, he modified the law so as to permit coal-pits to be freely worked by the proprietors of the ground.

In 1722, the Regent Orleans granted the monopoly to a general company, under the superintendence of the Duke of Bourbon as grand master.

In 1741, Louis XV. restored the free system, and did away with the office of grand master, and with the monopoly, which, between them, had ruined the mines.

In this state things continued till 1791, when a law was made restoring order into these affairs and giving the government, the proprietor, and the discoverer, an interest respectively in the mines.

Napoleon thought this law insufficient. It had, indeed, been modified by a decree of the Directory dated the 3d of Nivôse of the year VI. (23d December 1798), by the law of the 13th Pluviôse of the year IX. (2d February 1801), and, above all, by the official regulations of the government of Thermidor of the year VI. (August 1798). He thought it possible, that by means of better laws, not only a great extension might be given to the mining operations of the country, but that a considerable revenue might be drawn from this source. Many projects were accordingly laid before him, which he referred to the Council of State, and after long discussions upon them in 1806 and 1809, the result was the law of the 21st of April 1810. By this it was enacted that the mines should pay an annual fixed rent, besides another rent proportional to the net produce of the mine. Both of these, however, produced annually no more than about two hundred thousand francs (£8000), a sum far below the expectations of Napoleon.

At the sitting of the Council of the 22d March 1806, he said—

"It may not be expressly laid down that the mines of a country are public property, but, according to my view of the matter, it must be essentially so considered. I should say that property may be viewed under three distinct heads:—The first, and that which has been the longest recognised, consists of houses, trees, vineyard, property situated amongst the mountains, and, generally, such things as require a certain time and care to yield any fruits. The second is that which lies in the plains, and which yields crops perennially, and almost without further labour than that of putting the seed into the ground. The third kind of property is that of Mines.

"Arable property, which forms my second class, was not known amongst the Romans until after the capture of Corinth, from whence they imported into Italy a swarm of slaves, and then created a new description of property, to establish these new comers, and to employ them. Still the tenure of that kind of possession was very loose, because the land was sub-divided and distributed amongst the people. On the other hand, the lands of the Campagna, and amongst the mountains near Rome, had long been formed into inalienable properties.

" The third kind of property, or that of mines, has never been properly regulated, which only proves that the world is not so old as we suppose. The Romans, indeed, had some mines in Spain, but their colonial legislation was quite arbitrary; and we, at all events, must bring this new species of property under a new system of jurisprudence. Unquestionably, nothing ought to be held more sacred than the right of property. Yet, why is it so? Because that principle forms the good of society at large. But property in mines, if looked upon as inseparable from the right of property in the land, would, on the contrary, prove injurious to society. I conceive that, whenever the right of property in mines is once conceded to any one, it shall become his, like any other description of property, and that disputes respecting it shall be tried by the ordinary tribunals. The care of working the mines to advantage may be left to the interest of the persons who have acquired the right, in perpetuity, of using them. Parents will thus be stimulated to labour for the benefit of their children. This is human nature, for do we not see all the world build palaces and plant trees for future generations. In like manner, the proprietors of mines, instead of merely scratching the surface of the earth, will set about constructing galleries beneath, and thus relinquish a slight and transient advantage for the great and permanent benefits of a judicious system of mining."

# CHAPTER XXVII.

## ON THE EMIGRANTS.

A QUESTION arose in 1806 whether or not the emigrants, whose goods had been sold, were still liable for the rents due by them to the hospitals and mortgages on those goods. The case was laid before the Council of State, and gave Napoleon an opportunity of expressing his opinion of the emigrants. He said that these questions about the emigrants were entirely political, and ought never to be considered as coming under the civil laws of the country, in the eyes of which there could be really no emigrants, a quality which, in his opinion, had relation exclusively to the government. He added, that he thought care should be taken to avoid alienating this class of persons, and at length to adopt that manly principle of a strong government, which refuses to oppress one party merely to flatter another. He then went into the considerations which are given farther on.

Napoleon always expressed himself favourably towards the emigrants, who, in his eyes, were the victims of their devotion to a cause which was now his own, namely, the monarchical principle. It mattered little to him that their devotion had been addressed to others, and not to himself. He flattered himself that he had inherited the principle; and he either did not dread the Bourbons, or he was anxious to make it appear that he did not dread them. On no occasion, indeed, on which he anticipated any revolution after his death, (he never allowed the possibility of such a thing during his own life,) did he ever show the smallest apprehension of the return of the Bourbons. It was always the Jacobins he thought of who might try to establish a republic, or some corporal who might seize the reins of power by a coup de main, and rule matters in military fashion. "What need have I," said he, "to meddle with the Bourbons? Is it I who wrested their crown from them? Am I a usurper in their eyes?

In truth, he believed that the Bourbons were forgotten for ever; and he affected to have forgotten them himself. His horror of revolutions, and the danger of the example before him, made him wish to be looked upon as the direct and natural heir of the last dynasty. It was impossible to make use of the expression "Since the Revolution" in his presence without giving him offence. To speak of it at all was to admit its existence, and, as it were, to consecrate it afresh! He would fain have obliterated even the name. It was not the royalists he distrusted, but the theorists (idéólogues) and the republicans; and it was remembered, that when the conspiracy of the 3d Nivôse, year IX, (24th December, 1800,) was discovered, he insisted upon it that it was got up by the Jacobins, a certain number of whom were accordingly transported. The mere existence of a *royalist party* implied that he was a usurper. He was anxious to appear in the eyes of the sovereigns of Europe as well established as they were, and that his only enemies were the republicans, who are the common enemies of all kings.

It will be observed, in the following observations of Napoleon, that he was interested by the situation of the emigrants, whose property had been confiscated, and that he felt anxious to devise some method of indemnifying them. Are we to suppose that this feeling arose from any respect to the rights of property? This is hardly to be credited, when we remember, that during the hundred days he re-established the principle of confiscation. It was the natural sympathy he felt for a class suffering in the cause of monarchy, which touched him, especially in the case of persons upon whose services he might fairly reckon.

Every thing, in short, conspired to impress Napoleon favourably towards the emigrants. He wished to obliterate all traces of the parties which had distracted France; and this was an obvious motive for not excluding the emigrants from office. He wished to establish the monarchical system; but he could not conceive this to exist without an aristocracy; and from that idea naturally sprung the expediency of engaging the services of men of fortune and education. He, moreover, desired to have a court; and the families who had figured at the old court of course came to his thoughts. Finally, he felt exceedingly desirous to be on good terms with the sovereigns of Europe; and how could he expect to do this more effectually than by surrounding himself with the same class of persons by whom they were attended?

In consequence of all these combined motives, nothing ever produced so obvious an expression of satisfaction on his countenance as the appearance of any member of the ancient families of distinguished rank, under the former dynasty, coming to his court to take the oaths upon the assumption of office under him. He seemed as proud of this as of a conquest which contributed more and more to the consolidation of his power.

At the sitting of the Council of the 15th of March 1806, he spoke as follows:—

"It appears to me one of the most unjust consequences of the Revolution, that a particular emigrant shall be allowed to die of hunger, because all his property happens to have been confiscated, while another emigrant, whose property happens to have remained in the hands of government, shall have a hundred thousand crowns restored to him. What an absurd thing it seems to give back the land which happens not to have been sold, but to retain the value of the woods which grew upon it! It would have been more equitable to have departed from the principle of a uniform forfeiture of all the properties, and having given only six thousand francs to each, to make a general fund of the remainder, to be divided equally amongst the whole."

At the Sitting of the 1st July 1806, he remarked that—

"There were forty thousand emigrants in France who had no means of subsistence. These families have furnished to the state many brave soldiers, who have been wounded while serving in the army. They ask to have their property restored to them, or an equivalent indemnity; and something must one day be done for those who have only ten thousand francs income remaining out of the hundred thousand they enjoyed heretofore. The emigrants who quitted France seem to me even more remarkable (plus intéressants) than the men of the same class who staid at home; for they displayed a double degree of courage, first in making war and then in making peace."

## CHAPTER XXVIII.

### ON THE LIBERTY OF THE PRESS.

THE liberty of the press and the Emperor Napoleon are terms which, it was well observed, always growled at one another, whenever they came together.

"The character of the French nation," said he one day in the Council of State, "requires that the liberty of the press should be restricted in the case of works of a certain size; and the newspapers must be subjected to the rigid surveillance of the police."

This opinion was given at the time of the discussions respecting the constitution which was to declare him Emperor, and we need not wonder at the small allowance of liberality which it contains. Some one spoke of the guarantees which should be given to the nation, and both the Senate and the Council of State, out of mere habit, muttered something about the "Liberty of the Press," which had formed a necessary part of every one of the constitutions promulgated up to the time in question, (1st December 1803.) But Napoleon took good care that no such master as the press should be placed over him. The utmost he would allow was the nomination of a commission in the Senate, whose nominal office it should be to watch over the freedom of the press, but who, it was well understood, should remain altogether inactive. How, indeed, was it to be expected that he who could never get accustomed to the freedom of speech with which he was assailed from the other side of the Channel, should submit to be criticised at home? The perusal of the insults which were lavished upon him by the English papers drove him into a fury which resembled that of the lion in the fable, stung to madness by swarms of gnats. He affected to grant a small modicum of liberty in the case of books, but this distinction was allowed to exist but a very short while, for it was found that when the papers were placed under a censorship and books not, the books soon acquired the influence which belonged properly to the newspapers.

During the "Hundred Days," the liberty of the press formed by no means the least of Napoleon's annoyances, and it was clear that either it must crush him, or he must crush it. But the press and the tribune had become more than ever incompatible with his position, which was far more conformable to a dictatorship than to a representative government. Napoleon in France at the same time with a free press could be compared to nothing but Gulliver in Lilliput bound down by a multitude of petty cords, which rendered it impossible for him to move hand or foot!

## CHAPTER XXIX.

### ON THE "COMMUNES" OR TOWNSHIPS.*

It was Napoleon's wish to give a high flight to the public works in France, but as he could not devote to this purpose any great portion of the revenues of the state, he conceived the idea of levying from the *communes* the quarter of the value of their extra cuttings of fire-wood, or, as it is called, the reserved quarter, (*quart de reserve*,) and out of the sums so levied to form a fund to be applied to the public works generally.

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* We have no word in English which corresponds exactly to the French word "Commune;" nor, in strictness, have we the thing. Mr. Reeve, in his excellent translation of M. de Tocqueville's work on the democracy in America, (by far the best book which has yet been published in that country,) is obliged to translate the words *commune* and *Système Communal* by the periphrasis "the system of townships and municipal bodies," and he adds the following note, which may be useful in this place.

"In France," says Mr. Reeve, "every association of human dwellings forms a *Commune*, and every commune is governed by a *Maire* and a *Conseil municipal.* In other words, the *mancipium* or municipal privilege, which, in England, belongs to chartered corporations alone, is alike extended to every *commune* into which the cantons and departments of France were divided at the Revolution.—*Reeve's translation of De Tocqueville*, 2d *edition*, *vol.* 1*st*, *page* 71. *Trans.*

"These *reserved quarters*," said he, "form an extraordinary and unlooked for revenue which is not necessary for the ordinary expenses of the *communes;* and, therefore," quoth the Emperor, "this money may be appropriated for the wants of the State without troubling the *communes* about the matter, for as they cannot dispose of these reserved funds without the sanction of Government, it is clear that the Government may decide what their disposal shall be.

His next step was to justify this imposition by a decree; and to those who objected that no tax could be laid on without a law, he replied that this was not a tax, since a tax required the authority of a law, whereas this impost was established by a decree!

To use such an argument as this a man must not only be the master, but the absolute master of those he addresses. For the rest, this decree, which was dated 21st March 1806, yielded little or no fruit.

It has been already remarked that Napoleon always endeavoured artfully to give a popular colouring to the motives which influenced him in laying on any new tax. On this occasion, for example, what could be more fitting than the appropriation of these extra revenues of the Communes to the advancement of the public works? In like manner, in establishing the first Octrois (or excise collections at the barriers,) he dignified them with the title of "Charitable Collections," (Octrois de bienfaisance,) and then, when he wished to extend the system over all the *Communes* in the empire, he declared that it was done in order to maintain the principle of equalizing the taxation.

The tax laid upon the "reserved fourths" of the *Communes* was not, however, the only subsidy which he required from them, for, at a later period, he sold the property which they had leased out, declaring that he would give them the same rents as their tenants had paid, so that the communes should be no losers. Thus, for a rent of a thousand crowns, he possessed himself of a capital of a hundred thousand francs—whilst a thousand crowns rent, registered in the "great book," could not be sold for more than fifty or sixty thousand francs!

It would have been difficult to have disposed of the property of the communes in this arbitrary style, if the laws had re-established their rights, as Napoleon here signifies his intention of seeing done. But they might have waited long enough, according to all appearances, before such justice would have been done to the sufferers.

At the sitting of the Council of State on the 15th of March 1806, he made this remark :—

" In making arrangements for the 'halles' and the markets, the *communes* must be dealt with less rigorously, for the municipal spirit must not be destroyed."

Sitting of the Council, 15th March 1806.

" I desire that the reserved fourths of the communal wood be levied for the use of the general service of the board of bridges and roads. And the *communes* are not to complain of this appropriation of extraordinary funds, which they themselves have no right to dispose of without the intervention of my authority. A decree will put that matter to rights—and this is not to be considered in the light of a contribution, since it is unaccompanied by any law—but is simply an act of the executive in its capacity of public guardian. I am aware that many of the *communes* are in a wretched condition; but this levy of money will only apply to those places where there are extraordinary resources without any extraordinary expenses. I am indifferent how the decree is drawn up, provided it secures five and twenty per cent. contribution.

" I wish to see an equalization of the imposts all over the country, and, therefore, let there be octrois established in every *commune*.

"The communal (or municipal) proprietors of the timber (for fire-wood) have become rich only by a kind of fraud. Their debts have been paid in the same manner as the other municipal debts have been discharged—but their timber has not been taken possession of, as the other municipal property has been taken. But I shall certainly respect no right of property which is not duly acquired, and the possession confirmed by prescription.

"There are many of the *communes* whose debts have been paid, but whose property has not been sold; and there are others whose property has been sold, but whose debts are not paid. Such is the patchwork observable in the laws passed on this subject during the Revolution, and the consequence is, that the properties in some of the *communes* are far from respectable.

"The administration of France is a machine which still requires much arrangement. For example, the *communes* must be organised anew, and ten years, with many regulations, will be necessary in order to put them to rights, and these are what is meant by the term *Constitutions* of the Empire."

At the Sitting of the Council, 18th April 1806, Napoleon said:—

"An immense extent of territory has not been improved, because it has been in the hands of the *communes*, and we must adopt a wide measure, such as shall compel these bodies either to alienate entirely all their uncultivated lands, marshes, &c., or to let them upon long leases. This is one of the most important questions that can be discussed."

# CHAPTER XXX.

## UPON THE FORESTS.

Napoleon's attention was frequently directed to the administration of the forests of France, which produced one of the most valuable revenues of the State. At one time the receipts from this source amounted to fifty millions of francs (two millions sterling) a year, but after the restoration they fell to about one half, in consequence of the woods which were given back to the emigrants, or were otherwise disposed of. He occupied himself most particularly with those forests, the revenues from which were appropriated to the civil list. Of these the most remarkable are those of Fontainebleau, Compèigne, and Rambouillet.* These splendid forests, almost all formed of lofty trees, were the scenes of his hunting sports, besides furnishing him a considerable income. He accordingly read over and revised with his own hand the regulations for their administration, and made himself minutely acquainted with the income which they yielded. At the time when he contemplated the invasion of England, he made a calculation of the number of ships which might be constructed out of the trees of these great forests!

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* A portion of the revenue appropriated to the support of the Civil List was paid in money in monthly payments from the public treasury—the rest was derived from the beautiful forests above mentioned, and by others which lie in the neighbourhood of Paris. To the forests named in the text may be added those of St. Germains, Marly, Versailles, Meudon, &c., besides those which surround the Palaces. *P.*

When Napoleon returned from the conference at Erfurth in 1808, where so close an intimacy had been formed with the Emperor Alexander, he told the director of the civil list forests that the Emperor Alexander wished some one to be sent to Russia to assist in organising the affairs of the vast forests of that country, on the same plan as those of France were regulated. The director, to whom Napoleon proposed this honour, declined going himself, but he spoke of it to the subordinate persons in his office, and actually put himself in communication with Prince Kourakin, the Russian Ambassador, as to the terms upon which the foresters were to be sent to the north. This scheme, however, never turned to anything, as the intimacy of Erfurth was of very short duration.*

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* The author of this work was Director (administrateur) of the forests on the Civil List, at the period alluded to. *P.*

The notion thrown out by Napoleon in the observations which follow, of the expediency of not levying the tax on fire-wood until the moment it came to be cut, had been often brought forward, but it had always been defeated by the difficulty of fixing the assize and making sure of the collection. The object of such a measure was to encourage the proprietors to defer cutting down the trees before they had reached their proper height.

On this point Napoleon spoke as follows in the Council of State on the 2d of April 1806:—

"I hear it complained of, that the proprietors cut their wood when it is too young; and it has struck me that we might counteract this injurious tendency by refraining from exacting the annual contribution from the proprietors of the woods, and then collect the whole at the time it came to be cut. Another plan might be, not to render any timber liable to duty till it had reached a certain age, say fifteen years, and even then not to collect the annual duty till it came to be cut down.

"There are two other circumstances which contribute to this premature cutting of trees; and even to the entire annihilation of some forests. Many of the woods paid no duty at all before the Revolution, because they were in the hands of privileged persons ; and even those which were held by proprietors not of the privileged classes, paid far less than they do now.

" Roads must be opened in Nièvre and Berry, to facilitate the transport of fire wood. In passing through those parts of the country I saw of what advantage it would be to open these means of communication ; and the cost might easily be met by laying on a few centimes of additional duty on the proprietors of the woods, who ought to be made to bear all these burthens."

## CHAPTER XXXI.

### ON THE THEATRES.

By a law passed in 1791, the most entire freedom was given to theatrical matters; and in consequence the number of houses became immense, as every one might set up an establishment, and act what he pleased. The all-engrossing events of the Revolution, however, allowed no time to judge of the effects of this system of theatrical legislation. Indeed, the greater number of such places of amusement being closed, and so many of the actors and spectators put in prison, all competition was at an end!

When Napoleon appeared, order appeared likewise; and with order and security came back a taste for amusements, and particularly for these "spectacles." The theatres, accordingly, soon became so numerous that they well-nigh ruined one another. Good taste, as well as good manners, suffered exceedingly by the representation of stupid or indecent productions; while many young men, of good family, who rushed to the stage, in the expectation of acquiring both renown and fortune, either as authors or actors, found there only the ruin of their prospects.

Napoleon felt anxious to remedy these evils, not only on account of the managers and actors, but on account of the public taste and morals, and the well-being of letters. There was no occasion at that time to keep in check either the stage or its managers and actors, on score of political interference; for they took good care never to attack the government, but confined themselves to the destruction of good taste, and the pillage of those who employed them.

Both the minister of the interior and the minister of the police all brought forward separate propositions in 1806, for regulating these matters, and their suggestions were submitted to the Council of State.* They proposed that no theatre should be opened without a licence, that the numbers of those actually open should be reduced, that every manager should be required to lodge adequate security for his pecuniary engagements, and, finally, that a contribution should be levied on the proceeds arising from the representation of the pieces of authors who were dead, to support authors who were still alive, as well as to assist the actors and their families. Objections having been stated to these two last propositions, the section of the Interior brought forward a new scheme. The Emperor, who attended the discussion, suggested that the number of theatres should be limited to ten, and that they should be so distributed over the different quarters of Paris that they might not injure one another.

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* The Minister of the Interior here alluded to, was M. de Champagny, afterwards Duke de Cadore. The Minister of Police was the celebrated Fouché, afterwards Duke of Otranto. *P.*

The section of the Council above alluded to proposed to retain the following theatres, viz.—

The " Opéra," in the Rue Richelieu.

The " Comédie Française à l'Odéon."

The " Opéra Comique," in the Salle Favart.

The " Théâtre de l'Impératrice," on the Quai des Théatins.*

The " Vaudeville," in the Rue de Chartres."

The " Théâtre Montansier," in the Cité.

The " Théâtre de la porte St. Martin."

The " Théâtre de la Gaîté," on the Boulevards.

The " Théâtre de l'Ambigu-Comique," on the Boulevards.

The " Théâtre de la Vieille-Rue-du-Temple."

The section of the Council who reported on these matters, wished to leave the " Comédie Française" where it was ; but the Prefect of the Police called their attention to the danger of a house, to which the approach was so difficult, and from which, in the event of fire, there was no escape but by one vestibule.

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* Now called the Quai Voltaire. This theatre, which was in the old church of the " Theatins," has since been destroyed. *P.*

It was proposed to build the Bank on the ground occupied by the " Feydeau" and the " Filles Saint Thomas."

The removal of the Théâtre Montansier was suggested by the Palais Royal interest, from an apprehension that it would endanger the palace in the event of its catching fire. Besides, it was thought better to remove a theatre conducted in such bad taste further from the good houses. The scheme of the section required each theatre to confine itself strictly to the description of pieces assigned to it. The minor theatres were forbidden to act those pieces in the list of the opera, or of the Comédie Française, without their consent, and upon the payment of a compensation ; and the opera alone was authorised to give masked balls. As a set off to these privileges granted to the large theatres, they were to be obliged to reduce their price of admission on one day in the week, that persons not in easy circumstances might the more readily find access.

The provincial theatres, and the companies of strolling players, were required to take out licences.

No new piece was to be acted without the sanction of the Minister of Police, to whom, in conjunction with the Minister of the Interior, were left the details of regulating the conduct of the managers and actors.

Napoleon by his decree of the 8th June 1806 made many alterations in the above scheme. He left the number of theatres indefinite. He removed the Théâtre de l'Impératrice to the Odéon, instead of removing the Comédie Française to that situation. He agreed to the removal of the Montansier, but he said nothing of the new situation it was to occupy. He added the Opéra Comique to the number of those great houses which were to have the privilege of acting certain pieces to the exclusion (unless with their consent) of the minor theatres. He struck out the article requiring the great theatres to lower their prices one day in the week, although, as will be seen, he had himself, during the original discussions, desired this article to be inserted. He frequently and warmly spoke of the importance of the opera. " It is," said he, " the very soul of Paris, as Paris is the soul of France !"

At the sitting of the Council of State on the 18th of April he made the following observations on these subjects :—

" We must take care," said Napoleon, " that the theatres are not too close to one another. The grand opera alone must be permitted to have a ballet. The Théâtre Français ought to reduce the price of admission to the pit, on Sundays, to twenty sous, (tenpence) in order that the people might be enabled to enjoy the play. In making new regulations we should be careful not to run away with the idea that it is impossible to make things better. The opera costs the Government eight hundred thousand francs annually (£32,000), and an establishment which flatters the national vanity must be kept up. This can easily be accomplished without laying on any new tax; for we have only to protect the opera by giving it certain privileges at the expense of the other theatres. The "Théâtre de la République," in like manner, merits protection, because it forms a portion of the national glory.* The theatre of Montansier must be put down in its favour, for it is too near it; and independently of this, its representations are repugnant to good manners. That situation is spoken of for the Bank; and it is proposed to restore the Capuchin Church (now used as the Bank) to sacred uses. The Montansier description of theatre would be more appropriately situated on the Boulevards—leaving only the two great theatres in the centre of Paris.

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* The theatre in which are acted the higher class of plays, such as those of Molière, Racine, and Corneille, was called *Le Théâtre du Roi*, antecedent to the Revolution of 1789. It then received the name of *Le Théâtre de la République*, which it retained from custom, for some time after the Republic had ceased to exist. At present it is called *Le Théâtre Francais. P.*

"At the same time, we must take care in our decree about these matters to leave most of the details quite loose and vague, dwelling rather upon principles, so as to give as much latitude as possible to the citizens themselves. It is anything but a kindness to show too much solicitude about them, for nothing is more tyrannical than a government which affects to be paternal. (Il n'y a rien de si tyrannique qu'un gouvernement qui prétend être paternel.) A parent, indeed, is essentially so framed by nature; but we must not imitate her too closely in this respect.

"The numbers of the theatres must not be too much reduced; and those which are allowed to remain must be well placed. Twelve ought to be enough for Paris; and amongst these the plays of deceased authors may be distributed, while a free competition is allowed amongst them all for the representation of new pieces. The minor theatres to which the Opera and the Théâtre de la République grant permission to act those plays which stand on their exclusive list, (leur repertoire) must pay them a compensation. Attention should also be paid to the distribution of the theatres over Paris, so that they may not come in one another's way.*

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* There are in Paris at present about a dozen theatres—and it has been ascertained that the more numerous these establishments

" A similar distribution of theatres must be adopted for the rest of France. For Marseilles, Lyons, and Bourdeaux, a couple would be enough, —and one to each of the other cities. I do not conceive the government can fairly be required to pay anything in the shape of indemnity for the theatres, which are to be suppressed or shifted from one place to another. It is quite enough, I think, to have twelve hundred thousand francs (£50,000 sterling) to pay annually for the support of the stage! It shall not be said that I spend the people's money on mountebanks (pour des histrions.) A decree will be sufficient to effect all these changes. The less we have recourse to law-making the better. M. Seguier suggested in 1789 that the copyright of authors should be permanent—I think it ought to be for life only. The whole scheme may be revised in more enlarged spirit."

Sitting of the Council of State, 28th April 1806.

" Some people say the theatres ought to be left entirely free, and that they should all be allowed to act what pieces they please. ' The public,' say such folks, ' would gain much by having two Operas and

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are made the poorer they become — since the number of persons who frequent them, and the money which the public are disposed to spend in that way, are found to be pretty nearly uniform. *P.*

two Théâtres Français.' But this is a mere prejudice of those who fancy that, by such devices, they can recall the good old times of the drama. They cannot discover that Talma is better than Lekain !*

" I don't wonder that the arch-chancellor (Cambacéres) is desirous of saving the Montansier theatre. He merely expresses the wishes of every old beau in Paris !"—(A laugh)†

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* Lekain was an actor in the days of Louis XV. and XVI. Talma flourished during the Revolution, and under the empire. *P.*

† Cambacéres, the arch-chancellor, was the person who presided in the Council of State in the Emperor's absence. Napoleon, upon this occasion, laughed at him for being idle enough to frequent the above mentioned low and disreputable theatre, which was kept by a female of the name of Montansier, in the Palais Royal. *P.*

## CHAPTER XXXII.

### ON THE LAWS RELATING TO GAMING-HOUSES IN FRANCE.

In 1806, Napoleon wished to ascertain whether or not it was possible to escape from the anomalous situation in which all things were entangled, that related to the gambling-houses of France. The question was, shall these establishments be formally sanctioned, in certain places, or shall they be positively prohibited everywhere, conformably to the laws of the country?

In order to come to some understanding on these points, Napoleon transmitted to the interior and legislative sections of the Council of State united, a series of questions on this subject, with a request that they would propound their views to him after one deliberation, as to *the best method of reconciling the suppression of gambling with a due consideration of the interests of a wholesome police.*"

The first question was,—*Must there be a new law prohibiting gambling?* The sections of the

Council were of opinion that nothing more or better could be done than by adhering to the law of 1791. They took a retrospective view of all the prohibitory ordinances issued by Charlemagne, Saint Louis, Francis the First, and by the four last monarchs who reigned in France, pointing out the necessity they were all under to give way in practice before the irresistible passion for play. In all times a certain number of gambling houses had been permitted to exist under the surveillance of the police, in order to prevent still more mischievous houses being established clandestinely. The same consequences followed the law of 1791. The municipal authorities of Paris had vigorously pursued the gamblers, the courts of law convicted them, the prisons of the Bicêtre and Salpêtriere were tenanted by many distinguished personages, but all to no purpose! As the rage for play lost nothing of its energy, means of gratifying it were always to be found, and this, declared the sections of the Council of State, will ever be the result of any new law that can be devised.

The second question put by Napoleon was this, —*Shall there be a law passed allowing any toleration to gambling at all?*

To this the sections replied in the negative. They admitted that in certain cases the executive might, or rather must make a certain compromise with the manners of the age, and with the weakness or corruption of mankind; but such compromise can never with propriety receive the sanction of the laws, which ought not to be polluted with any trace of such vicious toleration.

The third question was,—*Shall the licensed gambling-houses form so many separate establishments, or shall there be one general management for the whole?*

The method of licensing the whole under the general superintendence of the police seemed the fittest; for it was thought that if there were many competitors, they would encourage the passion for play in order to enhance their own profits.

The fourth question was,—*Ought the law on this subject to be the same for the Departments as for Paris?*

The sections of the Council of State having considered this question, were of opinion that, in those provincial towns where, as yet, no gambling-houses had been established, they ought not to be permitted at all. But in the great cities, such as Lyons, Bordeaux, Marseilles, and Rouen, where this pestilence already existed, the local authorities ought to be fortified with all possible legislative means for its extirpation, with the painful alternative of adopting, in the event of failure, the same measures which might be considered expedient in Paris. They were of opinion, however, that in no place, and under no circumstances, ought certain descriptions of gambling to be tolerated, such as that called *La Roulette*, by which people infallibly ruin themselves. They were also decided in putting down those strolling gamblers, who fasten themselves on the peasants in the market-place, the pedlars at fairs, and pursue the idle and dissipated into every hole and corner.

Napoleon, however, in spite of these suggestions, laid before the Council of State a prohibitory project of his own, in the shape of a decree, renewing the old ordinance, forbidding play generally, but excepting Paris, and the watering-places in the provinces. This scheme, however, ended in nothing.

The following observations were made by Napoleon, at the sitting of the Council of State, on the 14th of May 1806:—

"We must either positively forbid gambling, or openly tolerate it; and as it is most in keeping with good morals to forbid it, that line must be adopted generally, and excepting only the city of Paris. It is impossible to go on in the vague way in which things are at present managed. The laws are operative against the gaming-houses, only so far as the police allows them to be enforced. This inaction, or passive condition, of the courts of justice is quite improper. On every fresh occasion, or when any thing is to be done, I am constantly told that the judges and the courts require to be stirred up by me. Now, surely, the machinery of public justice ought to go on of itself, even when the Government is asleep!"

Things have since remained in the same state ever since that time. There have been remonstrances made in the Chambers on the expediency of suppressing the gambling-houses, occasion being taken to advert to the subject when the budget was brought forward, amongst the items of which the receipts from these establishments make a figure. As often, however, as the matter came to be discussed, the plan of putting down gaming, or the attempt to put it down, was relinquished, from a persuasion that by any measures which could be adopted, the evil would only be increased by the clandestine establishment of unlicensed houses.

In like manner, the Legislature hesitated for a long time before they suppressed the lotteries; because, said some people, the same money will only go out of the country to nourish foreign lotteries. In the end, however, lotteries were abolished in France. Will it ever be so in the case of gaming? In a moral point of view the cases are similar, but it cannot be denied that the practical difficulties, in the way of putting down gambling, are much greater. The suppression of the lotteries was evidently a mere evasion.

However this may be, we see that Napoleon was of opinion, that gambling should be tolerated in Paris only, and that the sections of the Council of State were desirous of restraining the abuse as much as possible. The important question is, have these restrictions produced any good effect? Have they, in point of fact, reduced the evil to its minimum, by considering the principle of a limited toleration as the most likely to be effective? Or has not this abominable sink of iniquity been left too open? After all, this is, perhaps, not the only disgraceful thing to which statesmen are irresistibly compelled to yield a painful but unavoidable toleration.*

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* A law was passed last year (1836) to put down the gambling-houses of Paris—to take effect from the 1st of January 1838. The person who farmed the gambling-houses, paid six million francs. (L.240,000) annually to the Government, which portion of the revenue has of course been given up. *P.*

FINIS.

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